

THE UNIVERSITY OF CHICAGO  
LIBRARY

UNION CANADIENNE DES AFFAIRES PUBLIQUES ET DES  
INDUSTRIES ET COMMERCE

63 VICTORIA

SESSIONAL PAPER No. 80

5410

A. 1900

# REPORT ON CANADIAN ARCHIVES

BY  
DOUGLAS BRYMNER, LL.D., F.R.S.C., ARCHIVIST

1899

*(Being an Appendix to Report of the Minister of Agriculture)*

PRINTED BY ORDER OF PARLIAMENT



OTTAWA

PRINTED BY S. E. DAWSON, PRINTER TO THE QUEEN'S MOST  
EXCELLENT MAJESTY

1900

[No. 8c—1900.]



RECEIVED BY THE SECRETARY OF THE ARMY  
WASHINGTON, D. C.

G

A  
L  
N

NO

NO

# CONTENTS.

ARCHIVIST'S REPORT.....	PAGE.
List of books, &c., presented with the names of the givers.....	v
	xxxv

## NOTE A.—CLERGY RESERVES.

No. 1. MEMORIALS FROM MEMBERS IN CANADA OF THE CHURCH OF SCOTLAND.....	1
2. LORD DALHOUSIE TO LORD BATHURST.....	3
3. JAMES STEPHEN, JR., TO R. WILMOT HORTON.....	4
4. LORD DALHOUSIE TO LORD BATHURST.....	5
5. LORD DALHOUSIE TO MR. HUSKISSON.....	6
6. GEORGE RYERSON TO R. WILMOT HORTON.....	6
7. REPORT OF SELECT COMMITTEE.....	7
8. ANTHONY HAMILTON TO SIR GEORGE MURRAY.....	14
9. OBSERVATIONS BY THE LORD BISHOP OF QUEBEC.....	20
10. UNDER COLONIAL SECRETARY TO DR. MEARNS.....	24
11. COMMITTEE OF CHURCH OF SCOTLAND TO LORD BATHURST.....	25
12. MEETING IN UPPER CANADA, RESPECTING RESERVES.....	27
13. PETITION RESPECTING THE CLERGY RESERVES.....	28
14. COMMITTEE MEETING.....	32
15. PETITION FROM THE METHODIST CHURCH.....	32
16. PETITION FROM THE ANGLICAN CHURCH.....	38
17. EGERTON RYERSON TO THE COMMITTEE.....	41

## NOTE B.—EDUCATION IN THE CANADAS.

No. 1. THE ROYAL INSTITUTION.....	49
2. LORD DALHOUSIE TO LORD BATHURST.....	50
3. MEMORANDUM ON ROMAN CATHOLIC EDUCATION.....	51
4. MEMORANDUM ON ELEMENTARY EDUCATION.....	51
5. SIR JAMES KEMPT TO SIR GEORGE MURRAY.....	52
6. RETURNS OF SCHOOLS IN LOWER CANADA.....	53
7. MEMORIAL OF THE LEGISLATIVE COUNCIL OF UPPER CANADA ON EDUCATION.....	56
8. MESSAGE FROM SIR JOHN COLBORNE TO THE COUNCIL OF KING'S COLLEGE.....	57
9. MINUTE OF THE COUNCIL OF KING'S COLLEGE.....	58
10. SIR JOHN COLBORNE TO MR. R. W. HAY.....	61
11. EXECUTIVE COUNCIL OF UPPER CANADA ON DISTRICT SCHOOLS.....	62
12. REPORT OF DR. STRACHAN.....	64
13. SIR JOHN COLBORNE TO LORD GODERICH.....	66

## NOTE C.—REPORT OF THE CIVIL AND OTHER ESTABLISHMENTS OF UPPER CANADA.....

68

## STATE PAPERS, LOWER CANADA—CALENDAR.

	PAGE
Q. 187-1. Governor Sir J. Kempt, 1829.....	581
Q. 187-2. Governor Sir J. Kempt, 1829.....	582
Q. 187-3. Governor Sir J. Kempt, 1829.....	585
Q. 188-1. Governor Sir J. Kempt, 1829.....	587
Q. 188-2. Governor Sir J. Kempt, 1829.....	590
Q. 189-1. Governor Sir J. Kempt, 1829.....	594
Q. 189-2. Governor Sir J. Kempt, 1829.....	599
Q. 190-1-2-3. Governor Sir J. Kempt, 1829.....	604
Q. 191-1-2. Public Offices, 1829.....	609
Q. 192-1-2-3. Miscellaneous, 1829.....	618
Q. 193-1. Governor Sir J. Kempt, 1830.....	628
Q. 193-2. Accounts of receipts and expenditures for 1830 under the different heads.....	632
Q. 193-3. Governor Sir J. Kempt, 1830.....	633
Q. 194-1-2. Governor Sir J. Kempt, 1830.....	636
Q. 195-1-2. Governors Sir J. Kempt and Lord Aylmer, 1830.....	644
Q. 195-A. Miscellaneous, 1830.....	653
Q. 196-1-2-3. Public Offices and Miscellaneous, 1830.....	664
Q. 197-1-2. Governor Lord Aylmer, 1831.....	678
Q. 198-1. Governor Lord Aylmer, 1831.....	685
Q. 198-2. Governor Lord Aylmer, 1831.....	692
Q. 199. Public Offices, 1831.....	694
Q. 200-1-2. Miscellaneous, 1831.....	703

## STATE PAPERS, UPPER CANADA—CALENDAR.

Q. 351-1-2. Lieut. Governor Sir J. Colborne, 1829.....	331
Q. 352. Lieut. Governor Sir J. Colborne, 1829.....	338
Q. 353-1-2-3. Public Offices and Miscellaneous, 1829.....	343
Q. 354. Lieut. Governor Sir J. Colborne, 1830.....	353
Q. 355. Public Offices and Miscellaneous, 1830.....	360
Q. 356. Lieut. Governor Sir J. Colborne, 1831.....	367
Q. 357-1-2. Lieut. Governor Sir J. Colborne, 1831.....	373
Q. 358-1-2-3. Public Offices and Miscellaneous, 1831.....	379

## PAGE-

581

582

585

587

590

594

599

604

609

618

628

632

633

636

644

653

664

678

685

692

694

703

331

338

343

353

360

367

373

379

## REPORT ON CANADIAN ARCHIVES.

DOUGLAS BRYMNER, LL.D., F.R.S.C, ARCHIVIST.

The Honourable

SYDNEY A. FISHER,

Minister of Agriculture,

&amp;c., &amp;c., &amp;c.

LIBRARY, ARCHIVES  
INDIAN AFFAIRS BRANCH

SIR,-- I have the honour to present the report on Archives for 1899.

The internal work of the branch goes on, as usual, with regularity, industry, and the strictest regard to economy. The State papers in London, relating to Upper and Lower Canada, continue to be received, every care being exercised both in London and here to have exact transcripts made, and to guard against errors in copying. The missing volumes from Paris have been received besides additional volumes supplying gaps which had existed in those previously on the shelves.

The correspondence of Bougainville, received from M. de Kerallain, of Quimper, France, credited to him in last report, as an acknowledgment to which he was justly entitled, is, he writes, the property of Mdme. de Saint Sauveur Bougainville, to whom thanks are due. The letters contained in the correspondence do not in any degree support the charges brought against Bougainville of incapacity, carelessness or disobedience to orders at the time of the attack on Quebec by Wolfe, the letters from Messrs. Vaudreuil and Levis after the disaster to the French troops on the Plains of Abraham and the death of Montcalm, containing on the contrary many expressions of esteem and regard, which would not have been the case had he been guilty of the misconduct alleged. His letter to Madame Herault published in the report for 1898 gives an account of his proceedings during the campaign and after the death of Montcalm which is altogether irreconcilable with the charges.

As usual, a sketch is given of the events treated of in the correspondence, the facts being taken from the documents themselves, with occasional references to other authorities.

Owing to the inconvenience in the representation of Lower Canada arising from the extension of settlements and increase of population, a new division of the counties from that settled in 1792 became necessary and in 1829 the following division was made :

	Population.		Population.
1. Gaspé .....	3,567	21. Verchères.....	12,595
2. Bonaventure.....	5,116	22. Chambly.....	11,778
3. Rimouski.....	7,885	23. La Prairie.....	22,269
4. Kamouraska.....	13,845	24. Acadie.....	8,912
5. L'Islet.....	13,876	25. Beauharnois.....	14,652
6. Bellechasse.....	13,766	26. Vaudreuil.....	13,797
7. Dorchester.....	12,158	27. Ottawa.....	2,939
8. Beauce.....	9,596	28. Two Mountains.....	20,325
9. Megantic.....	750	29. Terrebonne.....	17,800
10. Lotbinière.....	7,644	30. Lachenaie.....	12,593
11. Nicolet.....	12,593	31. Assomption.....	8,950
12. Yamaska.....	8,997	32. Montreal.....	35,814
13. Drummond.....	1,867	33. Berthier.....	17,819
14. Sherbrooke.....	4,491	34. St. Maurice.....	17,179
15. Stanstead.....	8,841	35. Champlain.....	5,996
16. Missisquoi.....	7,966	36. Portneuf.....	14,642
17. Shefford.....	3,155	37. Quebec.....	30,784
18. Richelieu.....	17,953	38. Montmorency.....	3,938
19. St. Hyacinthe.....	13,574	39. Saguenay.....	8,366
20. Rouville.....	15,046	40. Orleans.....	4,078

In these populations that of the Magdalen Islands was included in Gaspé, in the county of Richelieu was the population of the town of William Henry, in St. Maurice county, the population of Three Rivers and in the counties of Quebec and Montreal, the populations of the cities from which the counties took their names. The number of representatives fixed by the bill was one member for each county containing 1,000 souls and two members for each county containing 4,000 souls, it being provided that those under 1,000 of population should, in the case of falling short, be each attached to the next adjoining county having the smallest population. In addition to the county members, the cities of Quebec and Montreal were each to have four members, the town of Three Rivers two and the borough of William Henry one. The representation was thus largely increased and it was arranged that whilst the Eastern townships were to have eight representatives at the next session these were to be increased to eleven at the next general election.

In 1792, the proclamation consequent on the division of Quebec into two provinces of Upper and Lower Canada provided for dividing the latter into counties, &c., for the purpose of representation and reported on those not previously described in the proclamation of 1788. They were (1) Gaspé, (2) Cornwallis, (3) Devon, (4) Hertford, (5) Dorchester, (6) Buckinghamshire, (7) Richelieu, (8) Bedford, (9) Surrey, (10) Kent, (11) Huntingdon, (12) York, (13) Montreal, (14) Effingham, (15) Leinster, (16) Warwick, (17) St. Maurice, (18) Hampshire, (19) Quebec, (20) Northumberland, (21) Orleans. Power was given to divide the province into districts, counties, circles or towns and townships, but by the proclamation of 7th May, 1792, the province was divided into counties, cities and towns. The names of the counties are already given. Of the cities there were two, Quebec and Montreal, each of which was called a city or town, then

## SESSIONAL PAPER No. 8c

followed the town or borough of Three Rivers, ending with the town or borough of William Henry. The boundaries are minutely described in both the documents cited, but the population is not given in that of 1792, so that by this want means are not furnished for comparing the populations at the respective dates. In accordance with the power vested in the governor, the legislature was called together. It had been decided that the different counties were to send two members each, except that of Gaspé, Bedford and Orleans, which were only to have one each. The two cities of Quebec and Montreal were each to have four members, the town or borough of Three Rivers to have two, and that of William Henry to have one. The proclamation to call together the legislature was dated 14th May, 1792, the writs "to bear test" on the 24th of the same month and to be returnable on the 10th July following. According to the distribution the number of representatives at that date would be 50.

As the years passed on the feeling of the House of Assembly did not become more reconciled to the control in many cases exercised by the Legislative Council or even by the governor, although the latter was usually not given to exercise his authority to its full extent. On the 29th April, 1830, Sir James Kempt transmitted a bill, which had been passed by the legislature providing that no one accepting an office of emolument under the Crown should hold a seat in the Assembly as representative. This bill he had reserved on the report of Mr. Ogden, the Solicitor General, who took the ground that it was intended still further to restrict the influence of the Crown which already possessed too little (Q. 194—1, p. 147). The Legislative Council and Assembly were not on friendly terms; it is not necessary to give instances of their disagreements, these being frequent and often acrimonious, the quarrels between them not always tending to the well being of the province.

The disturbed feeling was not confined to the Assembly of Lower Canada, but extended also to Upper Canada. Sir John Colborne writing in February, 1829, attributed the feeling of irritation in Upper Canada to jealousy of the supposed influence of leading officials of government and of their control over the numerous district appointments. The licentious press, as Sir John described the newspapers of the day, raised a clamour in respect to the naturalization bill and the clergy reserves, with most mischievous effect, as he alleged. These two subjects with the charter of King's College and the case of Judge Willis had so decided an influence on the election that some very objectionable members were returned, in consequence of which supply might be withheld to force the Crown to give up the revenues arising under the statute of 14 George 3, cap. 88. The governor charged the editor of a York paper with moving addresses for returns to enable him, when the papers asked for were brought down, to make his own comments on them and thus keep up a spirit of discontent in the province. The prosecution of Francis Collins, printer and publisher of the Canadian Freeman, was made the subject of representations by the Assembly and of charges against the judiciary. Collins was tried for libels on the lieutenant governor and the administration of justice and on the Attorney General and convicted. The Assembly in resolutions submitted to the King charged Judge Hagerman with having made the jury bring in a different verdict from that intended. The resolution says:

Mr. Justice Hagerman, who was one of the persons alleged on the record to be libelled refused to receive the verdict as first tendered by the jury viz.: "Guilty of libel against the Attorney General only" and directed them to find a general verdict of guilty with which direction the jury complied.

, A. 1900

ing from  
counties  
ision was

population.

12,595  
11,778  
22,269  
8,912  
14,652  
13,797  
2,939  
20,325  
17,800  
12,593  
8,950  
35,814  
17,819  
17,179  
5,996  
14,642  
30,784  
3,938  
8,366  
4,078

6, in the  
Maurice  
ontreal,  
mber of  
00 souls  
at those  
d to the  
y mem-  
town of  
as thus  
to have  
he next

ovinces  
for the  
procla-  
rd), (5)  
nt, (11)  
arwick,  
Orleans.  
ns and  
ed into  
e cities  
n, then



63 VICTORIA, A. 1900

This extended verdict, it was alleged, was obtained for the purpose of justifying the sentence which was that Collins should undergo one year's imprisonment, pay a fine of £50 and give security for good behaviour for three years. The trial had taken place before the arrival of Colborne, who described Collins as editor of an infamous newspaper called the *Canadian Freeman*. The virulence of parties was such, he said, that every question was converted into a political one and thus Collins was held up as a martyr, persecuted when defending the freedom of the press. Sir Peregrine Maitland who had preceded Sir John Colborne as governor, was burned in effigy, and Sir John Colborne believed that the inscription on the effigy was in the handwriting of Collins in the endeavour to prove his popularity. In the address already referred to, which prayed for the remission of the sentence of Collins, it was alleged in the first resolution that whilst Francis Collins, Hugh C. Thomson, M.P., and William Lyon McKenzie, M.P., editors of papers opposing the administration, were prosecuted, other papers under government patronage were allowed to disseminate grosser and more dangerous libels against the Assembly and against many public and private men. The resolution respecting Judge Hagerman distinctly charged him with illegally acting as judge when he was not entitled to do so, being a party concerned in the libel suit.

On the receipt by the governor of the address of the Assembly to the King it was sent to the Colonial Office which took the opinion of counsel on the case. Counsel reported that there was no legal ground of objection to the conviction, but that they did not find in the facts stated sufficient ground for the severity of the sentence. There were two statements given, one was signed J. Scarlett, dated 22nd June, 1829, the other signed J. Scarlett and Edward B. Sugden, dated 30th June, but both agree in their findings on both questions referred for opinion (Q. 353—1, pages 56, 58). It is clear from the whole tenour of Sir John Colborne's dispatches that he had no confidence in the good will of the provincial Assembly, he being kept informed of the actions of the members, not improbably told in a way to prejudice him. There was sent to Lord Aberdeen by the consul at Philadelphia a correspondence supplied to a United States newspaper calculated to stir up disaffection. In June, 1829, the consul at Philadelphia, Mr. Gilbert Robertson, wrote to Lord Aberdeen :

There are many turbulent and in my opinion ill disposed persons in the colony of Upper Canada and I have lately discovered that it is no uncommon practice for some of them to pay their respects at Washington, where I am informed they have been well received. The objects of such visits I have no means at present to discover but they have been principally by editors of newspapers, a class of men nowadays who occupy in this country a prominent station in the community (Q. 353—1, page 28).

The strictures, published in the *National Gazette* of Philadelphia, on the government of Upper Canada follow the letter from the consul and are written in a very bitter strain. A letter from Mr. W. L. Mackenzie to the Colonial Secretary, dated 29th June, 1829 (Q. 353—1, page 259), leaves little doubt that he was the author of the strictures. Sir John Colborne was evidently uneasy at the ultimate effects of the efforts of the "licentious press" and of several ill disposed English residents, whose proceedings, he was afraid, would undermine the good feeling of the province. Of the constitutional changes proposed, he preferred the union of all the British North American provinces. It would, he believed, be popular in Upper Canada, get rid of the effects of universal suffrage and the bad consequences arising from the influence of the "little demagogues" of a small

## SESSIONAL PAPER No. 80

community and the jealousy of and hostility to the local government. Another effect that he hoped might be produced was the creation of a national pride, with the consequent attachment of the people to their institutions (Q. 354, page 64). Mr. W. L. Mackenzie appears to have taken the lead in the agitation which was calculated to cause the unpopularity of Sir John Colborne, and he made use of Mr. Hume, the well known member of Parliament, to bring his grievances before the British public in addition to the petition forwarded by the Constitutional Committee which had been formed some time before. This last mentioned petition, sent in August, 1828, complained of the removal of Judge Willis as being one of the grievances from which the province suffered and this was followed by a long list of grievances with the means proposed for their removal. The removal of some of them, as will be seen by the correspondence, had been previously recommended, and in so far they might be expected to disappear. But even had this been known, it would not have reconciled the leaders of the Assembly to Sir John Colborne, whose character of severity made him unpopular. He was, besides, charged by the loyalists with being regardless of the connection between Canada and the United Kingdom and that their separation was a subject of conversation at his dinner table, where it was talked of as sure to come. His refusal to release Collins intensified the feeling against him, which was still further aggravated when the King, no doubt from the effect of the opinion of counsel already referred to, directed that the imprisonment of Collins should cease, his fine be remitted, and the bail he had been ordered to find be dispensed with. With these encouragements the reform party felt itself fully established and the emigrants from the United States, who had constituted a large element in it, having been reduced to a small proportion, the party were thus freed from the suspicions that naturally were attached to it from its composition justifying the description of its members given by the consul at Philadelphia.

The leaders of the Assembly in Lower Canada demanded the complete control of all the revenue and expenditure. As part of the assertions of the growing power of the Assembly were the expulsion of Robert Christie from the membership and the refusal to provide for the salaries of the chairmen of quarter sessions in Quebec, Montreal, Three Rivers and Gaspé, equivalent to preventing appointment to office by the administration, the salaries, not being voted in 1830, which thus put an end to the offices. The expulsion of Mr. Christie was reported by Sir James Kempt to Mr. Hay, Under Secretary for the Colonies, on the 20th February, 1829, in which he stated that Mr. Christie petitioned for an open trial but was refused and expelled. One of the charges brought on this occasion by the special committee of the House of Assembly against the chairmen of quarter sessions was, that whilst there was no definite rule for the selection of justices of the peace, that being sometimes made at the pleasure of the Governor, yet the chairmen of the quarter sessions, since that office existed, were in the habit of practically appointing those who should be their fellow magistrates, their recommendations to appoint and dismiss being attended to with fatal effect on the independence and dignity of the magistracy, and in respect to the practice of such recommendations and their reception, the report continues:

It cannot but be attended with extreme danger when exercised by an officer paid by the executive government, since it places the whole body of the justices of the peace under the control of a subordinate functionary holding his commission and receiving his salary at the pleasure of the government and having neither that rank nor that



63 VICTORIA, A. 1900

independence which might prevent his fellow subjects from regarding with uneasiness the exercise of power of this nature over a body of men with whose uprightness and independence the happiness of the people is so intimately connected.

Charges of want of qualification were made against the magistrates themselves, which want of qualification was declared to be a crying abuse and a proof of the contempt entertained by the administration for public opinion and for the welfare of the people. The report pointed out what the committee considered to be evils connected with the office of chairman of Quarter Sessions and of the bad effect such an appointment had on the rest of the magistracy. The report then specially accused Robert Christie as the chief cause of justices of the peace withdrawing from the magistracy, because he disregarded the opinions of his fellow magistrates and in opposition to their decision, acted on his own views. The chairmen are charged besides with acting as spies on the other magistrates, so as to obtain the dismissal of their colleagues whose opinions were not in consonance with those of the administration.

Mr. Christie denied the charges brought against him and alleged that the report was founded on *ex parte* statements collected improperly by the committee in secret conclave. As stated by Sir James Kempt, he presented a petition to be heard in rebuttal. According to Mr. Christie's own account:

This reasonable request was denied him and owing to the secret and unparliamentary mode in which the proceedings to inculcate him were, from beginning to end, conducted there were not wanting those who deemed the whole predetermined and that his accusers who had catered for evidence against him, uniting in themselves the anomalous characters of accuser and judge in their own cause would have acted a much more seemly part by affording him at least the semblance of a patient and dispassionate investigation, than by the hasty and most severe decision to which they came, visiting him with the utmost severity of their displeasure.—(Christie's Lower Canada, volume 3, page 245.

The Assembly passed a series of resolutions detailing the offences alleged to have been committed by Mr. Christie. They charged him with attacking the honour and privileges of the Assembly; with submitting to the governor a list of the names of men qualified to be justices of the peace, omitting the names of François Quirouet, John Neilson, François Blanchet and Jean Belanger, although they were then in the commission; charged him with boasting that it was his intention to omit these names on account of the political conduct of their bearers and had declared that no political neutrality would be permitted; they charged also that he had made use of the confidential office he held in the Assembly to act as a spy on the members. The fifteenth resolution declared Robert Christie to be guilty of high crimes and misdemeanours and unworthy the confidence of Her Majesty's Government and thereupon he was expelled. His constituency reelected him more than once but the Assembly refused to receive him and expelled him after every election, so that he ceased to be a candidate, "spontaneously retired" he says himself. What no doubt contributed to the irritation against him was the knowledge that he regarded the four members of the Assembly, whose names he had omitted, as men holding dangerous political views and his opinion of them, even from his own statement, he did not seem careful to conceal. In his letter to Sir George Murray which accompanied the memorial from his constituents on his first expulsion, Mr. Christie said with reference to the omissions that the course he took was in his opinion proper. The men, he said, whose names were omitted

## SESSIONAL PAPER No. 80

Were (I am not alluding to their conduct as members) notoriously, openly and actively engaged in bringing into disrepute by misrepresentation in parol and by print, the then administration of His Majesty's government in the province and in exciting jealousies and distrust against it. Considering their conduct to be improper in persons placed in His Majesty's Commission of the peace, I did not think that impropriety less reprehensible from the circumstance of their occupying a seat in the Assembly, nor myself under any obligation on that account to return them upon the list of persons proper for the new commission of the peace not thinking them so. (Q. 192-1, pages 144, 145).

Sir James Kempt, it is clear, had a difficult part to play, from the state of feeling in the Assembly. He gave his views of the difficulties he had to encounter in a confidential letter written in the spring of 1830 to Mr. Hay, under secretary for the Colonies. He reported that the legislative bodies were of such inflammable material that he felt as if seated on a barrel of gunpowder, not knowing how soon an explosion might take place. The Assembly, he said, had been very violent on all matters, which he had hoped were buried in oblivion. The wrath of the Assembly was now directed against the judges and councils; he was trying to act as a mediator and to keep his temper, so that he might not quarrel with either House. He did not know Sir George Murray's intentions as to the finances, but if it were determined to give up the Crown revenues to the provinces, both Sir John Colborne and he agreed that it should be done, as Sir James Kempt said, graciously and trust to the liberality of the legislature, instead of keeping up excitement and eternal discussion on the financial question. (Q. 193-3, pages 377, 378).

Apparently the political position of the Legislative Council, which it was asserted consisted largely of officials holding their places at the pleasure of the Crown, had attracted the attention of the Colonial Office to the state of affairs that existed, and Sir James Kempt was desired to ascertain whether it would be expedient to make any alteration in the constitution of the Executive and Legislative Councils; how far it would be desirable to introduce a large proportion of members not holding office at the pleasure of the Crown, and if this was desirable, as ascertained on investigation, whether a sufficient number of respectable persons could be found to fill the positions. Sir James Kempt obtained returns, which showed that the Legislative Council consisted of 23 members, 12 of whom held offices under the Crown, 16 were Protestants and 7 Roman Catholics. The Executive Council consisted of nine members, only one being unconnected with government and all were Protestants, with one exception. Sir James Kempt recommended the gradual increase of the Legislative Council and that the judges (except the Chief Justice) should not be appointed. To gain the confidence of the Assembly with regard to the Legislative Council, he further recommended that one or two of the most distinguished members of the Assembly should be appointed to the Council (Q 193-1, pages 24, 34), and his reason for this was that it was expedient to remove the suspicion that the Legislative Council was under the influence of the local government and guided in its proceedings by the will of the governor, which he alleged to be an absolute misrepresentation (Q 195 A page 1). On the other hand, Lord Aylmer, who succeeded Sir James Kempt, said in a confidential letter to Mr. Hay, that the impression on the public mind was that a sinister influence was continually operating on the Governor, he being swayed to a very great degree by the Executive Council and although this was not the fact, he thought that the public should be satisfied on that

63 VICTORIA, A. 1900

point and agreed with Sir James Kempt that Mr. Papineau should be appointed to the Council, as his position in it would enable him to prove to the public that nothing went on there that the Executive government had an interest in concealing. (Q 197-2 page 343). This letter was in answer to one written by Mr. Hay, marked 'private and confidential' in which he opposed the admission of Mr. Papineau to the Council on the ground of the decided hostility he had for a length of time manifested to the colonial government rendering his presence, to say the least of it, as Mr. Hay put it, a step full of inconveniences to the governor and Council in the management of the public affairs of the province. (Q 197-2 page 346). In explanation of his course in recommending Mr. Papineau to be appointed to the Council, Lord Aylmer said that it was impossible to go further than he did in condemning the public conduct and language of Mr. Papineau, although he esteemed his private character, so that the recommendations to appoint him to the Executive Council could not have proceeded from any favourable disposition towards him as a public character, but he wished to show that the administration was free of party connections. (Q 198-1 page 172.) Previous to the date of this letter he had (in February, 1831) recommended Lord Goderich to consult with Sir James Kempt as to the expediency or otherwise of appointing Messrs. Papineau and Neilson to the Executive Council, whom he (Aylmer) was now recommending as well qualified from their talents, acquirements and thorough knowledge of the interests of the colony to supply the vacancies. He thus stated his view of the question of their appointment which has already been referred to :

There is one consideration which more than any other renders it desirable, in my view of the matter, to make choice of these two gentlemen. A very general opinion prevails in this country that the person at the head of the government is always more or less influenced by the Executive Council, which (whether justly or otherwise I will not take upon myself to say) is not held in general estimation, and it appears to me that the introduction of two gentlemen, enjoying, like Messrs. Papineau and Neilson, the confidence of the public, into that body and, as it were, behind the scenes, would go far towards removing the opinion above alluded to and which I can positively state, as far as regards myself, is wholly without foundation (Q 197-1, page 73).

That it was necessary to take some steps to make plain the position of the Legislative Council is evident from the resolutions of the Assembly, which were hostile to its existence, but were not carried into effect. The resolutions reported by the Committee and adopted by the House, declared that the origin of the abuses to which Lower Canada was subject was to be found in the Act 31, George III, Cap. 31, which sanctioned the appointment by the Executive power of a Legislative Council, composed of members appointed for life, with a view to its forming a constituent branch of the colonial legislature. It was held that the provision was repugnant to the principles of the British constitution, and its execution was fatal to the tranquillity and prosperity of the province. The fatal consequences, it was held, were due to the impunity which was secured to the Executive from being shielded by this Legislative Council, in the greatest abuses of power. (Q 197-1, page 165). The clear inference from this was that the Legislative Council was so completely under the control of the governor and of the Executive Council, that it simply accepted and made legal the decisions of the governor and Council as a matter of course, a statement most emphatically denied.

The members of the Assembly thought that if their labours were of value they ought to be paid for, and accordingly a bill was passed in the house to authorize them

## SESSIONAL PAPER No. 8c

to receive a daily allowance during their attendance and to be reimbursed travelling expenses. The bill was rejected by the Council. Defeated in the direct enactment, the Assembly inserted the necessary amount in the bill of supply, and thus the members were to receive the indemnity which the rejected bill was intended to provide. To present day ideas the indemnity was moderate, being two dollars a day as a living allowance, and eighty cents a league for mileage, the whole of which latter must have been expended for carriage and provisions. According to Hugh Gray, whose letters on Canada were published in 1809, the charge from Quebec to Montreal for a caleche was 25 cents a league, there were 24 posts on the way, and it took two days and part of the third to reach Montreal from Quebec. The Council was not satisfied with the insertion of these allowances in the supply bill as a solution of the difficulty, and passed a series of resolutions maintaining that the vote was unconstitutional, and asking the governor to take such steps as he might deem sufficient to prevent the resolutions of the Council from being violated.

The practice of sending out pauper emigrants to Canada was neither of advantage to them nor to the country. Sir James Kempt reported in August, 1830, that a ship load had been landed at Quebec of destitute people sent by the magistrates of the county of Killaloe, their passage having been paid by public subscription for whom no work could be found at Quebec, the only hope of employment for them being in the Eastern Townships where roads were being opened, but there was no fund to send them there. By the charity of the masters of two steamboats they were conveyed to Three Rivers and Montreal whence they might reach the Eastern Townships, otherwise they would have been left starving in Quebec. Even after arriving at Three Rivers and Montreal they had a long way to go before they could reach their destination and their sufferings whilst on the road under the heat and rain which then prevailed, according to the manuscript journal of the late Mr. Dorwin of Montreal, may be imagined for no attempt has been made to describe them. Sir James Kempt wrote to the superintendent of the roads in the Eastern Townships to employ them but his most sanguine expectations do not seem to have extended beyond the chance of their obtaining employment for some weeks and that ended what was to become of them in winter? Sir James Kempt remonstrated in the strongest terms on the cruelty of attempting to relieve the English and Irish parishes by sending persons as paupers to a colony where they arrived perfectly destitute amongst strangers on whose bounty they were thrown for immediate support. (Series Q., volume 195—1 page 224). In addition to the ordinary distress which might have been expected, there was that which arose from the emigrants being hurried ashore and exposed to lie on the wharves from which much sickness resulted, (Series Q., volume, 198—2 page 375), and Mr. Buchanan, the emigration agent, complained that the ship masters continued to "land their emigrants at all hours without, in the slightest degree, consulting the convenience of the poor stranger," and he suggested that permission should not be granted to land emigrants until the ship was cleansed and not after four o'clock in the afternoon. The emigrants on board the ship reported on particularly by Sir James Kempt brought a recommendation from the magistrates to the committee in Quebec, in which it was said that the emigrants on board were well conducted, industrious people, who had been trained to some branch of the woollen manufacture, but who would cheerfully accept any employment that might be offered. Where they settled does not appear from the papers under review.

63 VICTORIA, A. 1900

The return of the number of emigrants arriving in the province of Lower Canada is very imperfect. The House of Commons on the 4th of March, 1831, desired to have an account of the arrival of emigrants in the British North American provinces from 1790 to the latest period, but all that the Lower Canadian authorities could do, after corresponding with other provinces, was to furnish so far as possible the returns for that province. From 1790 to 1815 it was estimated that 5,000 emigrants arrived at Quebec and that 2,000 came to Lower Canada by way of Gaspé and New Carlisle. These figures, but for Lord Aylmer's report, would have seemed to be mere guesses. From 1815 to 1830, there arrived at Quebec according to the report of the emigration agent, 168,615. The numbers arriving in 1826 to 1830, reported by the customs authorities do not agree with those reported by the emigration agent, being considerably more in these years in the report of the latter when these are compared with those of the former. The reason given by the customs authorities for thinking their own figures short of the actual numbers is "that the return furnished to the custom-house by the master cannot be depended on as strictly accurate, as we have reason to believe that the numbers landed in many instances exceed the number stated in the return, no muster being required to be made by the officers." Subsequently, Lord Aylmer, then governor, wrote that he had examined the books of the harbour master of Quebec and felt convinced that the return made by Mr. Buchanan were as near the truth as was necessary for all practical purposes.

The arrival of a large number of pauper emigrants caused anxiety to the provincial authorities and Lord Aylmer urged that no pecuniary relief should be given on arrival in Canada to persons capable of earning a livelihood, recommending that the only assistance given by government should be

- (1). Providing temporary shelter by the erection of sheds to save the expense of lodging on first landing and with a view to keep the emigrants separate from the mass of the population.
- (2). Gratuitous medical assistance to the sick pauper emigrant on his arrival.
- (3). The means of transporting himself and family to the place he may choose or may be chosen for his residence in the province.
- (4). Printing, publishing and distributing in abundance to the emigrants, small pamphlets containing useful practical information regarding the country and setting up in conspicuous places printed notices of the conveyances with their prices to the several parts of the province.

In the spring of 1831, Lord Aylmer visited the districts of Gaspé and Bonaventure, his belief having been that these districts afforded facilities for the settlement of a numerous body of emigrants. His personal observations led him to a different conclusion, the chief industry he found being fishing, which he thought would not allow of an addition to the number engaged in that occupation and he found also that only as much agricultural produce was raised as would barely suffice for the subsistence of the population already there. As the result of his tour he recommended the Eastern townships and the Ottawa as the most suitable for settlements in Lower Canada. The report from Lord Aylmer and that from Mr. Buchanan will be found in full in series Q volume 198-1, pages 211 to 248, and for further information reference may be made to Q 198-2, pages 334 to 405.

In Upper Canada, Sir John Colborne, Lieut. Governor, prepared to enter systematically on the work of settling the province and arranged in the first place to settle the

## SESSIONAL PAPER No. 8c

township of Ops to be succeeded the following year by increased settlements. The selection of the village or headquarters of the township does not seem to have been fortunate in the first instance, as the land was low and swampy, but was subsequently improved by cultivation. Sir John's idea was to attract a considerable number of settlers to a township, by whose united means, he believed, many of the difficulties inseparable from the early days of settlement would be avoided, and what was of the greatest consequence, roads could be immediately opened. He also objected very much to the method of paying those employed for the settlement of the Crown territory by granting so much land for each settler placed on the lots. This he regarded as an expensive method attended with many disadvantages, as, for instance, the portion thus given remained unoccupied, producing the same inconveniences as reserves and waste lands, whereas, the only cost to the Crown, by settling as he proposed, would be the amount expended for erecting log houses for the accommodation of settlers and for provisions to part of them for two months. In May, 1829, his anticipations were of the brightest character and he saw in his mind's eye the whole vicinity of Ops covered with good roads in a very short time. In a private letter to Sir George Murray, dated in the following August, he continued to press his scheme, on the supposition that the lands sold to the Canada Company would revert to the Crown in consequence of the non-fulfilment of the conditions. "If the whole property," he said, "revert to the Crown, any million of acres divided into lots of 100 each and granted on certain conditions to poor emigrants, reserving each alternate lot for sale government would place twenty-five thousand paupers on 500,000 acres and gain, by following the system, £125,000 in five years." The statement is not very exact, but Sir John evidently meant that each family to whose head 100 acres would be granted consisted of five individuals which would make 5,000 heads of families receiving 100 acres each. His further proposal was, that each head of a family should be placed, with his family on his lot and furnished with provisions and means to the extent of £10 currency for each individual member, £5 of this to be returned in five years, on completing the payment of which he would have the right to receive his deed. The £250,000 required to place and assist the settlers, he calculated, would be repaid in five years by the sale of the reserved lots and the £125,000 would be received from the settlers on the other lots.

In November of the same year (1829) he complained, as far as official reticence would allow, that he had been obliged to discontinue his plans of settlement on the ground as stated by the Colonial Secretary, that he could not sanction an innovation which might lead to unlimited expense. In answer to this, Sir John pointed out that at Ops he had settled sixty families, at a cost of £400 for log houses, provisions and superintendence. The two first instalments would more than cover this expenditure, and the whole of the payments on this account by settlers to government in five years would amount to £1,200, not to speak of the great increase in the value of the Crown reserves caused by this settlement. In reference to the Lanark settlers, he stated that although they had been settled on bad land they were willing to pay the present value of their lots to reduce their debt. The clergy reserves were selling at from seventeen to twenty shillings an acre, the purchasers being farmers in well settled townships, who acquired land for their sons, near their own property. The Lanark settlers had, before purchasing, been under the impression that each of their children was entitled to a grant of 100 acres on coming of age, but Chief Justice Robinson, to whom the question was



63 VICTORIA, A. 1900

referred, stated officially that the only families entitled to such a privilege were those of the United Empire loyalists. The settlers themselves admitted that no such stipulation was included in the specification of the terms on which they emigrated.

In the same dispatch from Sir John Colborne, already referred to, (25th November) he described the plan adopted by Colonel Talbot for securing payment from the settlers on his territory and the distress caused by a different system, and he adds: "Most of the settlers in the Western district experienced great misery and hardships the first two years, although they were occasionally assisted by Colonel Talbot." (Q. 352, page 237.) Sir John Colborne's faith in the benefits of his own system and the future of Ops, had he been left untrammelled, as he considered should have been the case, was unbounded. By his system, he maintained, the sum advanced to settlers in general would be repaid in five years, and in ten years each township would yield £12,500 and contain a well organised population. Reverting to Ops, he said that if 50,000 acres had been offered for sale, during the last year, 25,000 acres would have been sold at five shillings an acre to 250 families for whom an amount equal to the purchase money would have been expended on improvements. This temporary advance, he alleged, would have been repaid in five years and the reserved lots sold at ten shillings an acre, probably in ten years. Whether Sir John Colborne was too sanguine, or that the fault lay in the system he proposed not having been adopted, Ops made no such progress as he anticipated as, according to Smith's "Canada Past, Present and Future" there were in 1845, only 4,379 acres under cultivation, out of 32,024 acres taken up. Sixteen years after the date of Sir John Colborne's dispatch the Crown lands open for settlement were advertised at eight shillings currency per acre instead of the ten shillings anticipated by Colborne. The price of eight shillings per acre appears to have been the general rate throughout the province at that period.

In 1830 Mr. Richards was appointed to visit the colonies and report the state of affairs in them respecting settlements. He visited and reported on Upper and Lower Canada, Nova Scotia and New Brunswick, but attention can only in the meantime be directed to his remarks on the Canadas, as then existing. Mr. Richards reported that in Upper Canada there were in 1830 about five million acres open for settlement, without going north of the back line, where a further tract of seven or eight millions might be found. Some details are given of Sir John Colborne's favourite settlement of Ops begun the year previous to the examination made by Mr. Richards. According to his report, each settler in the township had a house or shanty built for him at a cost of thirty shillings and provisions were supplied to each family, the supply not to exceed what was required for two months. "The Township of Ops," he says, "goes on prosperously and ceases to be an expense." The land was sold at four shillings an acre, clear of fees. Mr. Richards does not seem to have looked with much favour on the system of giving lands gratuitously, although his statements being official do not err on the side of being too plain spoken. The land in the province was, he said, regarded as a fund with which to reward meritorious servants and with so much given away in the course of years, some owned by people living in Europe, it was not surprising that so large a quantity was then beyond the control of government.

The report on Lower Canada is not so clear and explicit as is that on Upper Canada, but to those desirous to obtain information as to the state of the two provinces in 1830,

## SESSIONAL PAPER No. 8c

much that is interesting may be obtained from the report to be found in series P.F., volume 66; see also volume 93 of the same series.

In the same year (1830) Mr. Buchanan, the Consul at New York, reported that he had directed the attention of many British emigrants landing at New York to the advantages of Upper Canada for intending settlers, but found that the idea of its being a land of eternal snow seemed frozen, to use his own words, on their imagination so strongly that he had some difficulty in thawing that and other errors out, many of these errors being instilled into their minds by demagogues before sailing. For his services he obtained a grant of land but he complained to Sir George Murray that Sir Peregrine Maitland was attaching such onerous duties to the grant as made it of no value, nor had one of his family received an acre of land, notwithstanding his services. The exertions of his brother, the emigration agent at Quebec, had, he said, earned for him great praise in Lower Canada and he hoped that his son would be found equally deserving of favour. Some attention was at this time directed to Upper Canada and many were applying for employment in the offices charged with obtaining and settling emigrants. Some of the applicants, it might have been supposed from their social relations, would have considered it beneath them to seek for subordinate offices, such as were many of those in the settling department, but the fact that their personal incomes without those of the situation asked for did not cover their expenditure, is no doubt a sufficient explanation. The Colonial office made arrangements in 1831 for the reception and distribution of the expected emigrants, agents for the purpose being established in various districts, those specially designed to be settled at this time, as shown by the correspondence being the Newcastle, Home and Western districts, which were so far prepared, that superintendents were placed in the townships of these districts to settle each family on the terms fixed by the Commissioner of Crown Lands. The regulations and arrangements proposed by Sir John Colborne were:

The land will be paid for by instalments.

Agents are stationed at Montreal and Prescott who have been instructed to furnish the emigrants with every information they may require to enable them to proceed on their route to the townships prepared for location.

Emigrants to Seymour and the other townships in the Newcastle district will disembark at Cobourg. These for the Home and Western districts will proceed to York.

The agents are provided with maps of the districts in which emigrants are recommended to settle.

Superintendents will be instructed to erect a house at the entrance of the township for the accommodation of emigrants on their first arrival.

The depot of provisions will be placed near this house.

The line of road will be first opened through the township.

Provisions will be sold to emigrants at prime cost.

If a mill site should be found the four first houses should be placed near it. (Series Q. Volume 356, pages 204, 205).

These regulations afford evidence that Sir John Colborne desired to enter systematically on the work of emigration, but was opposed to the plan suggested of having a public farm for the employment of emigrants, and the reports made by Mr. Reid, who, according to Sir John Colborne, had suffered all the difficulties and privations incident to the first settlement and clearing the woods in a remote township showed that Sir



63 VICTORIA, A. 1900

John was probably correct as he (Reid) and his brother-in-law, who had gone through the same experiences, found their properties surrounded by a prosperous population, composed of emigrants who had entered the province in the lowest state of poverty. (Series Q. Volume 356, page 220).

The interest taken by the Imperial Government in the subject of emigration led to the appointment (in 1831) of a commission to collect and distribute information as to the number of labourers and mechanics who might find employment, the price of provisions, the rate of wages and such other facts as might be useful. The reports obtained by this commission were very interesting, but it is not possible to give a narrative of them in a condensed form, there are so many circumstances taken into account in dealing with the different localities. Speaking generally, many of the settlers were confident that not less than three thousand labourers and four hundred mechanics would find employment in each district. Sir John himself reported that wages continued high and that this would be the case so long as property was easily acquired and that there was the quick transition of persons from a state of poverty to independence, which produced annually so great a number of landed proprietors. As a proof of the prosperous state of the emigrants who were settled by Mr. Peter Robinson in 1825, the Agent at Cobourg reported that in all the settlements then made, if government demanded repayment of the money expended on behalf of the settlers, a majority of them could pay an instalment without inconvenience. He had purchased at Peterborough during the previous winter, 11,000 bushels of wheat at five shillings a bushel, paid in cash, a large proportion from the emigrants of 1825. Those who are interested in the history of the early settlement of the country may with advantage consult the reports, which are easily traceable by means of the calendar.

In 1831, vessels coming to Montreal continued to report at Quebec. After remonstrances, partial relief to the merchants and ship owners of Montreal was granted, the superintendent of customs residing at Montreal having been authorised by a provincial Act to collect the provincial revenue there, but the relief was not very great, as the Crown duties had still to be settled for at Quebec, to the great loss and inconvenience of merchants, shippers and consignees. The committee of trade at Montreal represented that the navigation of the St. Lawrence between Quebec and Montreal was rendered speedy and certain by the employment of steam tow-boats but the necessity of entering the vessels at the Quebec custom-house caused a delay of one and sometimes of two days in unloading. Additional delay was only avoided by the consignee of the vessel paying the estimated amount of the Crown duties, which were often payable by twenty different consignees and could only be collected after the quarterly returns had been made by the Montreal officers to Quebec. (Payment of these it had been proposed to secure by bond not by cash.) As a result of the cash payments being insisted upon instances annually occurred of individuals carrying off their goods from the province without repaying the general consignee. In addition to this, there were the inconvenience and trouble of making post entries to correct the first estimate of the Crown duties. Other expenses of a similar kind were incurred and so great was the difficulty of obtaining repayment that sufferers would rather submit to the first loss than take the expensive measures necessary to secure a remedy. It was complained also that if it was desired to take a barrel of flour from a Montreal bonded warehouse, a certificate had to be produced that the duty had been paid in Quebec, so that it took nearly a week to get the barrel of flour into consumption.

## SESSIONAL PAPER No. 8c

The burdens laid upon shipping coming to Montreal are stated in the memorial to have been exceptional in the case of that city, no other instance being known of a merchant compelled to pay duties on his importations at a distance of 180 miles from the port of discharge, the expense and inconvenience thence arising being equivalent to an additional tax. Nor was this all the annoyance the merchants felt, they complained, also, that the tavern keepers of Montreal were placed on a better footing than the merchants and ship owners, in respect to the payment of duties, a circumstance which they did not look at with complacency. With regard to vessels, the owners of those built in Montreal were obliged to go to Quebec for a certificate of registry and if the master of a vessel belonging to, or consigned to Montreal was to be replaced by another, the owner or agent of the vessel had to take the expensive journey to Quebec to grant the necessary bonds. The words of the memorial in 1831, show the change in the relations between the trade of Quebec and Montreal that then existed, as compared with the present conditions of the two ports. The memorial stated that the vessels resorting to Montreal bore a small proportion to those entering Quebec, but already the memorialists anticipated that by the improvements in the river, vessels from sea would land at Montreal the whole of the goods for its own district, Upper Canada and the adjoining frontier of the United States which, at the date of the memorial could, it was urged, be safely estimated as three fourths of the whole importations.

So far back as 1790, the merchants of Montreal applied by memorial for the establishment of a custom-house independent of Quebec, but this was strenuously objected to by the Naval officer, who urged that were the prayer granted, the passage between Quebec and Montreal would be taken advantage of by the country merchants, shop keepers, publicans &c., to carry on an illicit trade "to the injury of the revenue and fair trader." Other reasons were given why the petition should not be granted, but they were chiefly of a personal character. The objections of the Naval Officer, which were given effect to and the memorial for a separate custom-house at Montreal rejected are in series Q volume 49, p. 48, and the memorial from the merchants in Q 57-1, page 1.

In 1799, the merchants of Montreal objected strongly to the establishment of a separate custom-house at Montreal, the obstacles in the way of trade on account of the sole custom-house being at Quebec, having been to some extent removed. From the memorial of 1790, it appears that the cargoes of vessels for Montreal were obliged to be landed at Quebec, "which must be attended with very heavy expense for agents, wharfage and labourers, besides the waste that will happen on cargoes of liquor by landing. . . . . What is of still greater consequence, the loss of time which may arise, it being well known that the delay of a few hours waiting for a clearance upwards, has occasioned vessels to be many weeks in performing a voyage of sixty leagues." It is scarcely necessary to remark, in reference to the long delay in the river, that there were no steamers at that time and that sailing vessels had to make their way, assisted or retarded by the wind, as it was favourable or the reverse. The reason given by the merchants in their memorial of 1799 why they did not repeat their application of 1790 for the establishment of a separate custom-house was, that when the application was refused the instructions given by the commissioners of customs gave such relief and there was so much greater facility for their import and export trade, that there was no need to do so. After pointing out various improvements that might

63 VICTORIA, A. 1900

be effected, the memorialists of 1799 conclude "that a separate and independent custom-house may introduce intricacies, difficulties, delays and expense beyond what exists or "can be foreseen, and, if so, render the means of redress extremely tedious, not to say "impracticable." (Q. 84, page 16).

The objectionable system of paying the officers by fees was done away with in the custom-house at Quebec, on January 5, 1826. In the spring of 1829, a minute was received by Sir James Kempt from the Treasury and the substance was communicated to the Assembly with the statement which accompanied it, showing the charge for salaries, heretofore defrayed by fees. The Assembly referred the subject to a special committee, who reported that it was too late in the season to deal properly with the question. The statement of the establishment of the customs sent by the Treasury contained no details, so that a schedule of the salaries, which had been furnished to the Assembly by the collector of customs early in the session, was indicated as the only detailed list in possession of the governor. The schedule shows that the officers received salaries to the amount of £7,348.10s, the list including two tide surveyors, one at Quebec and the other at Montreal, their fixed salaries being £30 a year, with the addition of five shillings a day, when employed. Besides the staff at Quebec, a surveyor was stationed at Montreal with a salary of £400, and a waiter and searcher at £200; at Gaspé, a sub-collector received £150, and an officer with the same rank at New Carlisle, received £120. Later in the year (1829), a list was sent from the Treasury to the Colonial office, showing some considerable reductions in the salaries of the principal officers, for which compensation was to be made from the Crown duties, equal to the reduction, but the lords of the Treasury did not consider they had "authority to grant "to the officers at Quebec a percentage on collecting any of the duties, subsequent to "January 5, 1826, when the fixed salaries commenced" (Q. 191-2, page 223). The accommodation at Quebec for the custom-house was by no means suitable, and the commissioner on the report of the collector and comptroller recommended to the lords of the Treasury the purchase of a house belonging to the late Receiver-General, Mr. Caldwell. The purchase, however, could only be made at public auction, in consequence of a difference of opinion between the governor and the Assembly on the question of who was to bear the loss on Caldwell's deficiency. In Hawkin's "Picture of Quebec" published in 1834, the new custom-house there is described as having been so far lately completed. "It is a plain stone edifice, well and substantially built."

The subject of the navigation to and from the St. Lawrence and measures for the protection of shipping from wrecks and other casualties when on the coast, were seriously considered both in Upper and Lower Canada, but the existence of two legislatures, both of which had to take the necessary steps towards the accomplishment of the improvements, naturally caused delay. In the case of the lower St. Lawrence and off the coast, this subdivision of powers was even more serious. In the session of 1829, the House of Assembly of Lower Canada passed a series of resolutions on the subject of lighthouses. With regard to those mentioned in the first and second resolutions, the Assembly had full control and resolved to grant £12,000 to build and establish lights on the east and west end of the island of Anticosti and at Point de Monts, as well as a floating light at the Traverse. The determination as to lights on St. Paul's Island and Cape Ray, was not so simple a matter, as it had to await the concurrence of the Imperial government

## SESSIONAL PAPER No. 8c

and of the legislatures of the Maritime provinces. The administrator of the government of Lower Canada was asked to transmit specially to the Imperial and provincial governments interested the fourth resolution, which is in these words :

*Resolved.* That as soon as His Majesty's Government for the island of Newfoundland, the legislatures of the provinces of New Brunswick, Nova Scotia and Prince Edward Island shall provide for the building of lighthouses on the island of St. Paul and on Cape Ray and grant aids for these purposes, it will be expedient to grant a proportionate sum on behalf of this province.

The necessity for lighthouses became more evident as the trans-Atlantic navigation was developing, although it was some years yet before steam navigation was established to the St. Lawrence. In the report for 1898 the memorial from the Knight of Kerry and others was given in full, in which they applied for an Act of incorporation for a steam ship company to have a line of steamers between Valentia on the south western part of Ireland and Halifax, with branches from that port to New York and Quebec on this side, returning to Valentia whence were to be sent branch steamers to Bristol and the Clyde. The project failed at that time owing, as the Knight of Kerry alleged, to "some villains who contrived to work themselves into our employment, who involved us in premature purchases of unsuitable vessels and in legal difficulties," resulting, as has been already said, in the abandonment of the project. In addition to these alleged causes of giving up the plan was the further allegation that the bitter hostility of Liverpool, instigated by New York, was a great element in bringing about the failure, New York having been favourable until it was learned that Halifax was to be the destined port on this side of the Atlantic and the welfare of the colonies the chief object. Whatever truth there may have been in this allegation, it does not appear as if Liverpool required any outside pressure to exhibit hostility to the movement, the interests of the great dock companies leading them to give the most strenuous opposition to every proposal to remove an existing or to establish a prospective shipping trade in any other port by which the value of the dock property would be reduced. It is true that the mail sailing packets had their headquarters at Falmouth, but the proposal of the Knight of Kerry was of a more ambitious nature and as a new departure the proposal to make the headquarters at Valentia was not likely to be regarded by the owners of the Liverpool docks with equanimity. Hence, no doubt, part at least of the opposition, which probably would be still farther quickened by the New York correspondents of the Liverpool shipping houses. Whatever the cause the fact remains that the project was a failure and the proposal for a regular steam line across the Atlantic was not realized for some years, the Cunard line to Halifax having begun its course in 1840.

It is not possible to give the elaborate calculations of the shorter distances and of other advantages that would attend the selection of Valentia as the point of alleged departure for the mails from Great Britain to Halifax as they are so elaborate that it would take more space than is desirable to publish the figures as they are given by the Knight of Kerry. It may, however, be stated that the distance saved in Atlantic navigation from Valentia to Halifax as compared with that from Falmouth to Halifax is given as 310 statute miles, but in neither case has the further distance after landing been taken into account at a date when there were no railways to lessen the time occupied in the transport of mails and passengers from Halifax to western points. The Admiralty did not

63 VICTORIA, A. 1900

regard the proposal with favour as in acknowledging its receipt through Mr. Hay, the under Secretary of State for the Colonies, Mr. Barrow, writing by direction of the Lords of the Admiralty, said that they were not prepared to extend the system of steam packets beyond the communication with the Mediterranean. (Series Q. volume 192-1, page 9.)

As a matter of interest in these days of short passages, the average passage in the years ending on the 5th January, 1829, and 5th January, 1830, have been made up from a post office return, signed by Francis Freeling.

In 1828-9 the average passage to Halifax was nearly ..... 37 days.  
 " " " Falmouth " ..... 22½ days.

In 1829-30 there was a slight reduction :

Average passage to Halifax ..... 36 days.  
 " " Falmouth ..... 20 days.

The amount of postage collected for these two years does not appear to have been definitely known, that to British North America being "partly estimated." The figures for postage to British North America, with the proviso understood, were,

For the year ended 5th January, 1829 ..... £4,832. 14. 4.  
 " " " " " 1830 ..... 4,882. 11. 0.

There was absolute ignorance as to the postages collected for correspondence to and from the United States. A note supplies the reason, which says : "No account can be given of the postage to and from the United States, the payment not being required in this country the amount cannot be distinguished from the general revenue of the post office." (Series Q. volume 196-1 page 179.) This method of keeping the accounts would seem to indicate that there were no premonitory symptoms of the immense increase to the post office duties and revenues that was to take place in the course of the next ten years.

The establishment of banking facilities in the Canadas met with opposition from various quarters. Mr. Marshall, Solicitor-General, acting as law officer of the Crown in Lower Canada, reported that it was proposed to charter no less than three banks in the province, but that that number appeared to be more than was required. His words were : "As no less than three of these institutions, viz., one at Quebec and two at Montreal are proposed to be incorporated, there appears to me to be at least one more than can be necessary or advisable." (Series Q. volume 157-1 page 94.) A protest against granting the charter to the Quebec Bank was lodged in the Legislative Council, on the chief ground, apparently, that it exempted the partners from all responsibility for the debts of their copartnership beyond the amount of their stock. The other objections to the issuing of the charter raised legal points, by which it was maintained that such a charter was contrary to the general laws of Great Britain as well as to the special laws on the subject affecting Canada. From the first the Bank of Montreal appeared to have met obstacles in the way of its establishment, one of them being the form in which its bills were drawn up, which had apparently been objected to, as Mr. John Richardson sent to Mr. Henry Goulburn in an undated letter a ten dollar bill (unsigned) of the Bank of Montreal to see if the form which had been objected to was then satisfactory. The bills of each denomination, he represented, contained a different

## SESSIONAL PAPER No. 8c

vignette or device, so that the most illiterate could see what was the value. Subsequently (on the 8th of April, 1819), he asked if the question of the bill was decided, but, so far as the papers show, no answer was returned.

About the same time there was a movement in Upper Canada of a similar financial character, an Act having passed in 1817 to incorporate the Bank of Upper Canada, but for technical reasons a second Act had to be passed, the first from delay at the Colonial Office having, although the bill was approved of, become invalid. That approval rendered a reference to the Colonial Office for the renewed Act unnecessary. Sir Peregrine Maitland reported to Mr. Goulburn that in order to stop the influx of bank bills from the United States an incorporated bank in Upper Canada had become a necessity. "The province," he said, "is overrun with American paper, and, judging from the connections of the persons who were about to open a bank at Kingston, there was every reason to suppose the evil would be much increased, but a provincial bank will crush it." It is clear that Sir Peregrine had become impatient for an answer to his despatch respecting the Act under consideration to establish the Bank of Upper Canada, for in an undated letter, which was undoubtedly written before the one from which the extract has been taken, he urged the importance of an answer being received, which he hoped might be favourable.

To study the financial condition of affairs in British North America at that period, or at least to observe the lights in which they were regarded by a business man, it might be useful to refer to the remarks of Mr. C. F. Forbes on the existing system in 1826 (Series Q. volume 178—1 page, 192) and to the prospectus of an Anglo-American sterling bank in British North America, with branches in Montreal, Halifax, N.S., St. John, N.B., and London, England (page 203). According to the prospectus, banking institutions had been already established in the different provinces, for one of the conditions set out in the prospectus was that the different banks in existence at Montreal, Quebec, York, Kingston, Halifax and St. John were to merge into the new bank bringing with them their existing capital, further capital to be obtained, if necessary, by issuing shares. It was provided by the prospectus that there were to be distinct boards of directors at Montreal, Halifax, St. John and London, but apparently the latter was to be regarded as the head office, it being provided that the accounts were to be made up there, or in the words of the prospectus: "The annual state of the whole concern to be made up in London compiled from the accounts transmitted from each establishment, prior to the declaration of a dividend." A short account of the Bank of Upper Canada is given by Mr. Boulton in a letter to Mr. Wilmot Horton dated 15th December, 1825. In this letter he says:—

In 1819, the Bank of Upper Canada, the only institution of that kind in that province was first chartered by Act of the provincial parliament, with a joint stock capital of £200,000 (\$800,000) which being found larger than the state of the colony required was by a subsequent statute reduced one-half. (Series Q, Volume 339—1, p. 140).

The constitution of the board of directors secured the bank, he believed, from undue speculation, or from the influence of private views, among the directors being "several members of the Council, the Crown officers and other gentlemen connected with the government, with a few men in commercial business."—(page 141).



63 VICTORIA, A. 1900

In reference to the effects that would probably result from establishing a connection between government and the banking institutions of Canada, as proposed by the Treasury, Lord Aylmer, the governor, objected strongly to such a proposal, although the banks were, he considered, most respectable and government money as secure as it could be anywhere out of the actual possession of the proper government officer, so long as a state of peace existed, but a state of hostility, or even of uncertainty would, he believed, have a most prejudicial effect. Apparently in response to the Treasury letter, the president of the Bank of Upper Canada made a report on its constitution, resources, &c. (Series Q, volume 356, pages 230 and onward.) According to this report the bank was chartered in 1821 and began business at York on 1st July, 1822, with a capital of £100,000, the charter to continue in force till 1848. A reference to the report will, however, show the nature of the institution under the various heads of Constitution, Capital, Regulations and Resources and also the proposed terms for transacting government business, so that a summary of the report beyond that already given is unnecessary.

The question of altering the tenure of land in Lower Canada was long under consideration and was the cause of some uncertainty on the part of the British government. In January, 1817, the Attorney and Solicitor General (W. Garrow and S. Shepherd) reported their opinion on the question whether there was any legal objection to changing the tenure of lands in Canada; the last clause of the opinion is in these words:

There does not appear to us to be any legal objection to His Majesty's accepting a surrender of lands-holden in seigneurie and regranting them in Free and Common Soccage either under the statute of the 31st George III, cap. 31, or under any law which prevailed originally in the province before the conquest. (Q. 146, p. 154.)

In August of the same year, the Attorney and Solicitor General (S. Shepherd and R. Gifford) reported that although His Majesty was not precluded in point of law from changing the tenure of the lands, yet that such change without the consent of the provincial legislature or an equivalent revenue to the *droit de quint* being provided, would be an infringement of the pledge to apply that revenue to civil expenditure and that from this point of view His Majesty was precluded from changing the tenure. It was on this opinion, that Lord Bathurst wrote to Sir John C. Sherbrooke that it would not be expedient to change the tenure. In 1822 Chief Justice Monk called attention to defects in a bill to effect a change of tenure from the feudal to that of free and common soccage, embodied in an Act then recently passed, the observations of Chief Justice Monk being sent for Lord Dalhousie's consideration. A good deal of confusion existed in respect to the land titles for in August, 1825, Lord Bathurst sent to Lord Dalhousie copy of an Act passed in the immediately preceding session of the Imperial Parliament "to provide for the extinction of feudal services in the province of Lower Canada," and directing His Lordship's notice to the first clause to fix the terms and conditions on which the commutation of the feudal rights of the Crown was to be made, pointing out the liberality of the terms, but it was precisely this liberality that Lord Dalhousie was afraid would tend to keep back the seigniors from asking for a change of tenure, as the seignior being compelled by the Act to grant to his vassal a commutation similar to the one he would himself receive might be obliged to accept a low valuation, equivalent to that which, by the decision of the Colonial Secretary, he was to pay as compensation to the Crown. In the same dispatch of 19th June, 1826, Lord Dalhousie explained that

## SESSIONAL P. PER No. 8c

by the advice of the Executive Council, he had adopted the same scale of compensation for houses in town as for lands in the country, but thought it should be considerably higher, as houses and property in towns changed owners much more frequently than landed property in the country, so that the feudal dues in towns would be greater than in the country, a statement in which Lord Bathurst agreed and thought that double the amount would be a moderate charge for houses and property in town as compared with property in the country. (Q. 176-2, page 512). It is unnecessary to go into details of the disputes between the Legislative Council and Legislative Assembly on the subject of the tenure.

The attempt to put an end to the feudal tenure was, as the correspondence shows, the result of a strong desire that it should cease and be replaced by the tenure of free and common soccage. Hence the feeling of disappointment shown when the Act for the change of tenure had proved inoperative which led to an inquiry what obstacles interposed and how these could be best removed, so that the change might be hastened. Sir James Kempt answered that the obstacles were neither in the Act nor in the instructions, but in the people themselves, who were indifferent if not adverse to the proposed change. Instead of giving a summary of the reasons for this, it seems more judicious to give extracts from Sir James Kempt's letter on the subject as they afford a clear view of the objections to the change.

The real difficulties that have interfered are simply a general indifference, or rather a want of disposition in the inhabitants of the province to the proposed conversion of tenure and the interest of the seigniors in all cases where the property is generally conceded is positively adverse to it.

This want of disposition on the part of the inhabitants must be attributed mainly to their attachment to their ancient customs and also to the feudal burthens, in the present state of property in the province, being so light on the agricultural part of the population as scarcely to be felt as an inconvenience, or at least not so serious a one as to induce them to wish for relief by a change of tenure.

The principal direct burthens consist in the payment of a small annual quit rent to the seignior; the obligation on the censitaire (or sub-tenant) to carry his grain to be ground at the seigniorial mill (the droit de moulure) and in fines on mutations of property, one twelfth of the purchase in those cases being paid to the seignior.

The land being all conceded at a very low rate, the quit rent is too inconsiderable to occasion any distress to the censitaire—the droit de moulure, though the principal source of profit to the seignior is by no means felt as a tax by the tenant, the price paid at the seigniorial mill being in fact less than is paid at private mills in the townships and in the country parishes, where the changes of property occur but seldom and the increase in the value of the land does not depend so much on the capital that may have been expended upon it, as in the general settlement and improvement of the neighbouring country, even the mutation fines scarcely constitute a perceptible burden.

While, however, these seigniorial dues are felt so little by the censitaire, the loss of them would deprive the seignior of a great part of his income and it is therefore not to be wondered at that there is no disposition on the part of these proprietors to place themselves in a situation where such a risk is to be incurred.

The defect in the Act passed in 1822 for the conversion of tenures and which would have entirely defeated the object in view consisted in having provided only for the release of the seigniors from the rights of the Crown, without having given the tenant any power to free himself from his engagements to the seignior.

The Statute 6 Geo. 4 cap. 59 has effectually remedied that defect by obliging the seignior who may obtain a release from the Crown to submit to arbitration for the release of his sub-tenant, but as it is reasonable to suppose that the award of the arbitrators, one of whom is to be chosen by the tenant, would be guided in a great degree,



63 VICTORIA, A. 1900

in determining the commutation fine to be paid by him, by the consideration exacted from the seignior by the Crown for his own release which, by a proclamation issued shortly after the receipt of the statute in this country, is fixed at so low a rate as the twentieth of the value of the property, the seignior is deterred from making an arrangement in consequence of which he might be compelled to surrender his rights without receiving any adequate indemnity for the immediate loss of income such a sacrifice would occasion. \* \* \* \* \*

In the case of a seigniori that is generally unconceded the interest of the seignior would certainly be greatly promoted by the change of tenure as he would at once without any further sacrifice than the very moderate commutation fine obtain a large tract of land free from burthens of any kind.

The extracts are long, but they explain more fully than could a mere summary, the position of affairs in 1830 and will also be of use in considering the address made by Mr. Christopher Dunkin to the Legislative Assembly in March 1853, on behalf of the seigniors in opposition to the bill introduced by Attorney General Drummond, entitled an "Act to define seigniorial rights in Lower Canada and to facilitate the redemption thereof." (Series P. volume 445a.)

In 1831, Mr. James Buchanan, consul at New York, called attention to the want of coinage, to be used as a circulating medium in Canada, the settlers in remote parts of the country being much restricted in their dealings on that account. He blamed the rate of exchange as one cause of the scarcity of coins that might have been put in circulation. The attempt to introduce the British currency he also held to have been a failure, the plan being founded on the mistaken principle of introducing a new money of account, as well as a new circulating medium. Then again the regulation in regard to the drawing of bills by the commissioners gave British coins an artificial value, so that when the soldiers were paid, the money they received found its way almost directly back to the paymaster, without entering into circulation, inasmuch as the shop keeper gave the soldier a premium on all the British coins he had to dispose of, because by paying in British coin the store keeper could purchase from the commissary bills on London with an additional profit to himself. Thus the money passed almost directly to the commissary, who returned to the paymaster the coins for which he sold the bills, which were then ready to enter upon a new round. The remedy for this, Mr. Buchanan believed, was to furnish a coinage to the provinces conformable to the money of account, that is Halifax currency, the pound being counted as containing four dollars of five shillings each, that is, each quarter dollar, or twelve pence sterling was valued in Halifax currency at fifteen pence, four of these making five shillings, or a dollar currency, four of which make a Halifax pound. Speaking generally, Mr. Buchanan's proposal was to make the coinage slightly more valuable than the metal so that it might remain and circulate in the country. What Mr. Buchanan contended for was to have a circulating medium in coin of a smaller denomination than the dollar, which was furnished by the banks issuing paper money, that passed current in the provinces, the banks being regarded as perfectly safe. To use Mr. Buchanan's phrase it was only the "diminutives" of the dollar that were required, the need of silver being greatly felt, whilst that of copper coinage was absolutely necessary, change for even a low denomination of silver being impossible to get in many places. For the design on the coinage, he suggested that the King's head be put on one side of the coin and a colonial device

## SESSIONAL PAPER No. 8c

on the other. His idea of the amount that would be required for the four provinces, presumably Upper and Lower Canada, Nova Scotia and New Brunswick, was :—

1,000,000 half dollars, making currency	£ 125,000
2,000,000 shillings, " "	100,000
2,000,000 sixpences " "	50,000
3,000,000 copper pence " "	12,500
6,000,000 " halfpence " "	12,500

£ 300,000 currency.

In respect to the higher value of the coins than of the metal contained in them he said :

This is the very thing that insures their remaining in the country ; that such a circulation, instead of being disadvantageous, is highly beneficial, is fully exemplified in Great Britain where the whole silver coinage is of that character. Besides the difference will just about cover the expense of coining and the loss of exchange (Q. 200-1, page 94).

It is clear that W. Lyon Mackenzie was no favourite of Sir John Colborne, as he speaks of him in very unmeasured terms. He reported on the 26th of March, 1831, that Mr. Mackenzie of the "Colonial Advocate" was accompanying the party which was going to London with the clergy reserves petition, and said that his falsehoods, activity and perseverance in mischief might embarrass the local government, if his worthless conduct was not generally known. A few days after he again wrote to Mr. Hay, the under secretary for the Colonies, and said in this letter that he was astonished any respectable members of the House of Commons should encourage Mackenzie by corresponding with him. "He is disaffected and unprincipled and boasts that the "falsehoods which he circulates answer his purpose, and that his paper will produce a "revolution in three years." The adoption of the address on grievances presented to the town meeting at York was moved by Mr. Mackenzie, seconded by Dr. Morrison. This set forth that although theoretically Upper Canada had a free constitution yet that was in a great degree denied in practice, the tendency of men in possession of power being to promote their own partial views and interests, rather than the general good. The resolutions contain a long list of evils that, according to them, had directly sprung from this possession of power, such as neglect of roads, the extravagant distribution of waste lands and many other abuses which embraced every branch of social or public life, the conclusions from the premises being very far reaching. These resolutions were widely distributed and town meetings held in the Home district at which they were adopted and a committee appointed at each meeting called a committee of cooperation. Reports of these meetings will be found in volume 358-2 of series Q. A writer in the New York "Albion," signing himself "A Freeholder of the County of York," wrote with a view to counteract the statements of Mr. Mackenzie in his acknowledged writings and in the public resolutions which were attributed to his pen. For information respecting Mr. Mackenzie reference may be made to his life published by Mr. Charles Lindsey in 1862 and to Mr. Dent's History of the Rebellion in Upper Canada.

In Note A are published in full a number of documents respecting the clergy reserves which formed a burning question both in Lower and Upper Canada. In the former little political importance was attached to the subject as compared with that which raged in Upper Canada, the dispute in the lower province being chiefly as to the respective rights of the various Protestant Churches to share in the reserves in opposition to the demands of the Church of England, which maintained the right to have the benefit of the whole. The secretary of the society for the Propagation of the Gospel, writing on behalf of the Church of England, took the view that as a matter of principle the reserves were for the benefit of the Church of England, but in the course of his representation to Sir George Murray, he undertook to show that this claim was made not only as a matter of principle, but on the ground also of the number of adherents of that church, as compared with those of others, a contention which left the question to be decided in favour of one Church or another according to temporary changes in conditions and therefore afforded no security for permanency. Mr. Grant, of Montreal, agent for the Church of Scotland, had also given statistics of the membership of the Church he represented, thus committing a similar error, and his figures were closely criticised and declared to be greatly exaggerated. The Lord Bishop of Quebec declared that this exaggeration could be fully proved, but none of the available documents furnish any ascertainable proof of this allegation of incorrectness on the part of other claimants. The committee on Canadian affairs made a recommendation as to the disposal of the clergy reserves "leading" as was alleged by the secretary of the Society for the Propagation of the Gospel "to an interpretation of the statute of 31 George 3, which is "opposed to the convictions hitherto prevailing of the intention of the legislature of "that day to make a provision for the clergy of the Church of England without reference to any other class of religious teachers." This report, the secretary maintained, had given a new character and strength to the claims for a share of the reserves, which did not before exist. There were claims made by Protestant Churches for a share of the reserves for ecclesiastical purposes, but there were claims of a different nature demanding the appropriation of the reserves to other purposes, such as education, the making of roads, &c. It was held that these discordant views would be aggravated rather than allayed by giving a share to the Church of Scotland and excluding other religious denominations, or supposing that the most liberal division were made among the Churches, that would be unpopular with those who wished the reserves applied to other objects. The latter disposal, it was maintained, would be an act of spoliation. It was further contended that in the Act of Union between England and Scotland the Church of Scotland was to be confined to that part of the United Kingdom, whereas the Church of England was established in England "and the territories thereunto belonging," that is to the Colonial possessions of the Crown. Other legal points were raised and discussed in the Secretary's representations to Sir George Murray, including the grant in Vermont by Wentworth in 1775 to the Society for the Propagation of the Gospel for the benefit of the clergy of the Church of England there, a transfer of which to Dartmouth College was rejected in 1785 by the legislature of Vermont on the ground that it had been already given for other purposes. This grant it was considered was probably the precedent that led to the grant of clergy reserves in 1791. It is unnecessary to follow the representation to Sir George Murray further, as it and other documents on the same subject are published in full in this report in Note A.

## SESSIONAL PAPER No. 8c

In a dispatch from Sir James Kempt to Sir George Murray, dated 18th January, 1830, he gives the following table :

Population of the province (Lower Canada) according to the last census and the calculation last made. ....	432,095
Church of England. ....	14,750
Presbyterians, including both Church of Scotland and all others who come under that general term. ....	5,547
Methodists. ....	2,182
Baptists. ....	589
Other denominations. ....	5,739
	<hr/> 28,807 <hr/>

It must be remembered, however, that this statement was handed to Sir James Kempt by the Lord Bishop of Quebec, and that the correctness of the figures was doubted by some and absolutely denied by others.

According to the report of the Commissioner of Clergy reserves, there were in Lower Canada about 500,000 acres of these reserves, but as to their value it was considered that any estimate on that point must be fictitious or imaginary, the only methods that appeared feasible to him for drawing profit from the reserves were by sale or lease, but the sales were so slow that it was considered to be premature to attempt any calculation of the result. The report from the Commissioner is given in full in note A with other documents.

Sir John Colborne reported in a private letter to Mr. Hay, under secretary, that if the financial questions were settled satisfactorily in Upper Canada, there was no other question but that of the clergy reserves likely to create excitement, and added : "It is a grievance which will always enlist on the discontented side a very active sect ; the American Methodists, and the agriculturists of the improved townships," and he urged that as soon as possible the reserves should be sold, reminding Mr. Hay, that five districts out of eleven were peopled with natives of the United States. That the Methodists were active in opposition to the claims of the Church of England to be the sole beneficiaries of the clergy reserves, or, in fact, to the existence of any official provision for the clergy at all, may be seen by the documents published in the note. It is not necessary to give in detail the revenue and expenditure of the reserves. The total amount deposited with the Receiver general from October, 1820, to December, 1830, was no more than £4,074 0 11 currency, of which the sum of £2,214.5.11 was received up to the 31st October, 1820, leaving for the years 1821 to 1830 inclusive payments to the amount of £1,859.15.11 currency amounting annually to not quite £186 and the expenditure was £4,303.3.2½ largely for the cost of buildings (parsonages, &c.) and partly for the travelling expenses of Dr. Strachan, whilst employed in defence of the claims of the Church of England to the sole enjoyment of the reserves. Two returns from Mr. Peter Robinson of the sales of 1829 and 1830 show the gross amount for the latter year to have been £23,396 1s. the previous reports only showing the sums paid to the Receiver General. The terms of payment for the lands purchased as stated on the return, were ten per cent at the time of purchase and the remainder in nine years by annual instalments of ten per cent with interest.

63 VICTORIA, A. 1900

As a result of meetings of those opposed to the system petitions were prepared and distributed through the province for signatures and delegates were sent to lay the case before the Colonial Secretary. It was reported that the Methodists were almost the only opponents to the claimants to the reserves and to contradict this, a Baptist preacher wrote to the *Guardian*, that all classes were equally opposed to the existence of church endowments. In spite of this declaration, it does not seem to have been judicious, in view of the report, that the delegation should consist of two members of the ecclesiastical body to whom the whole agitation was imputed. One of them was Mr. George Ryerson, the other a half breed Indian named Peter Jones, probably his correct name, as his father was a Welsh surveyor, but his Indian name was Kakewaquonaby. This mission was represented to be of a two fold character one part ecclesiastical the object of the other being to get control of the Indian lands. According to Sir John Colborne, Jones was a man of excellent character but entirely under the control of the Ryersons. He had been baptised by an English Church clergyman at the Mohawk Church, near Brantford, but had become a Methodist about three years afterwards. Sir John Colborne stated that there was a report that he was to be exhibited in native costume at a meeting of several religious societies in London. The letter from Sir John Colborne states positively that George Ryerson served in the Incorporated Militia during the war (confirmed by a memorial from him) and that he had once applied to the Bishop of Montreal to be ordained. Colborne's report that Jones was said to be the bearer of presents to the Queen, that is Queen Adelaide, was correct, as in July, 1831, he sent the presents with a memorandum giving an account of Indian Benevolent Societies. Mr. Joseph Hume, the well known economical Scottish Member of Parliament, was of course appealed to as was the case in all instances of complaints from the colonies and he at once gave his services for the introduction of the delegates to the authorities and in the letter to Lord Goderich, applying for an interview said he could not help expressing his regret and surprise that the British Cabinet should delight in keeping a whole province in a state of irritation and complained that promises made to him to have all contests about religious establishments settled in accordance with the recommendation of the select committee of the Commons and of the petition from Canada had not been carried out. Whether as the result of the mission of Messrs. Ryerson and Jones and of the action of Mr. Hume is not clear, but Lord Goderich, then Colonial secretary, sent instructions to Canada to have an Act passed repealing the provision for the creation of the reserves and vesting the lands in the Crown, but the repealing Act failed to pass, a result for which the Legislative Council was blamed. Various attempts were made to settle matters by extending the benefit of the reserves to other churches besides the Church of England but it was not till 1853 that an Act was passed by the Imperial Parliament authorizing the Legislature of the Canadas, then united into the Province of Canada, to pass an Act secularizing the reserves, the legal existence of which was terminated by the last mentioned Act being passed and assented to in 1854.

The question of education was one of interest in both of the Canadas and the documents published in full in note B will no doubt be read with interest. A sketch may be given of the school question as shown by the papers. In accordance with instructions received from the Colonial Office, dated 3rd September, 1829, Sir James Kempt sent a return of the schools established in Lower Canada. The extract from the letter accompanying the return states that of all the seminaries, Protestant and Roman

## SESSIONAL PAPER No. 8c

Catholic, the two grammar schools at Quebec and Montreal alone received any permanent assistance from public funds. The return gives all necessary information as to the course of education followed in the schools and such further explanations regarding them as it is desirable should be known. (Series Q. volume 190-2, pages 392, 401.) Lord Dalhousie had some years before called attention to the importance of providing for the education of the Roman Catholic population and it does not seem improbable that the dispatch from Sir George Murray in answer to which Sir James Kempt sent the details of the different schools—Protestant and Roman Catholic—owed its origin to Lord Dalhousie's memorandum. An examination of the calendar will show the procedure of the Royal Institution, exhibit some of the obstacles in the way of the establishment of McGill College and the difficulties that beset its earlier years. Some of these are mentioned in the preliminary report for 1897, beginning at page xi.

The exertions made in Lower Canada to promote higher education were met in Upper Canada with a certain degree of jealousy lest the advantages of the education furnished in Lower Canada might attract desirable settlers from the upper province. Sir John Colborne writing on the subject, no doubt expressed the view of the inhabitants at least of York, if not of the population of the province as a whole. In regard to the proposal to establish a university in Montreal for the benefit of the families in Upper Canada who had been in the habit of sending their young men to the United States or elsewhere to complete their education, he says :

With respect to raising up a university at Montreal for the benefit of Upper Canada, I should regret to see any institution formed that would deprive this part of the North American provinces of the talents of a single individual who may be turned to account here or of a society, that may induce an influential class of emigrants to fix their abode in this district. The useful connection which we are looking forward to establish between King's College and the minor college will, I hope, also be considered. (Series Q. volume 195 A, pages 80, 81.)

Sir John Colborne was, nevertheless, a believer in the benefits of education and when found fault with by the Colonial Office warmly defended the course he had followed in respect to the Royal Grammar school and the College he was establishing. In his attempt to found the Grammar school by the plan he had adopted whilst acknowledging the insufficiency in the first instance of the amounts available from the Canada Company's payments, he believed that the future instalments of that Company increasing progressively after the next year would be most profitably disposed of in fostering an institution from which the province would derive essential benefit. He also explained the source from which were derived the funds for the establishment of the College, the unproductiveness of which would restrict the usefulness of the institution in consequence of the first debt contracted. A considerable part of the difficulty of maintaining schools arose, he stated, from the dispersed state of the population, so that the necessary schools could not be fixed in the places where they were required, nor could persons properly qualified be found, but he determined to keep the district schools, the Upper Canada College and the University connected with each other, which would be a great inducement to respectable families to settle in Upper Canada. (Series Q, volume 352, pages 256, 257.)

In the spring of 1830, the Legislative Council of Upper Canada, in an address to Sir John Colborne, congratulated him on the establishment of a college for the educa-



63 VICTORIA, A. 1900

tion of the youth of the province in the course of which they declared that parents had nothing to envy or desire in comparing the advantages enjoyed by their children with those presented by the first public schools in Great Britain. The whole address being given in full in note B it is unnecessary to make extracts here.

In order to maintain what he called the Minor College, Sir John Colborne submitted a scheme by which a permanent income could be assured and at the same time the control of the college be secured in the hands of His Majesty's government. Two of the conditions proposed by Sir John Colborne were that there should be eight exhibitions of £40 each to be held by students for four years, whilst they were at the University and a scholarship of £25 to each district school also to be held for four years by pupils elected from these schools to the Minor College. Reference has been made to the apparent jealousy of the people of Upper to the supposed attempt of Lower Canada to attract families from the upper to the lower province by the quality of the education, but there is no evidence to show that this jealousy extended beyond the inhabitants of York, although, as suggested, it might have done so. In a letter additional to the one referred to Sir John Colborne stated and agreed with public opinion with regard to the conditions in the charter in King's College, which, he said, were generally condemned and, he further said, that if they were repealed and the University enlarged in its scope, the great advantage to be derived from such an institution established at York would be duly appreciated, particularly with reference to the prospects of pupils of the Minor College and to the number of respectable families lately settled in the districts in the neighbourhood of York. That Sir John Colborne felt the necessity of altering the charter in accordance with the popular feeling, is evident from his message, as Chancellor of King's College, to the College Council. This message is given in full in note B as well as the resolutions consequent on it. In a memorandum respecting the sales of waste lands, it is stated incidentally that 270,000 acres were ceded as an endowment to the University of Upper Canada, this being the most valuable land in the province. A dispatch from Sir John Colborne to Lord Goderich gives a detailed history of the efforts made to promote education at a very early date after the division in 1792 of the old province of Quebec into the two provinces; this dispatch with the minute of the Executive Council and a report on the subject of education may be read with interest, being published in full in note B. These documents are followed by abstracts of the various accounts, nine in number, not printed in this report, but which will be found in full in volume 357-1 of series Q., beginning at page 110a. of that volume. His desire that the Anglican Church should, of all the religious denominations, have and exercise the greatest influence in educational matters, is shown by the general bearing of his letters, although not explicitly stated in any one of them. In reference to the proposal of a second university for the "Sectarians," as he called them, he expressed the belief that the establishment of such a university would create rather than allay dissensions. The Presbyterians of the Church of Scotland, he said, had their opponents in the Separatists, the Episcopal Methodists had to contend with the Wesleyans, who had lately separated from them, and, he added, "they are all unfriendly to each other." Seeing that this was the case, he recommended that the charter of King's College should be surrendered and a new one granted on the most liberal terms, and as the endowment was splendid, it was sufficient to provide for the Minor College and for the instruction of Sectarians who might be

TORIA, A. 1900

at parents had  
r children with  
address being

Colborne sub-  
the same time  
rment. Two  
ould be eight  
y were at the  
e held for four  
ence has been  
empt of Lower  
quality of the  
ed beyond the

. In a letter  
d with public  
hich, he said,  
aled and the  
rom such an  
with reference  
table families  
ohn Colborne  
ar feeling, is  
lege Council.  
ent on it. In  
that 270,000  
is being the  
rne to Lord  
on at a very  
o provinces;  
e subject of  
e documents  
ted in this  
ing at page  
he religious  
ers, is shown  
one of them.  
s he called  
ould create  
nd, he said,  
ntend with  
ey are all  
d that the  
a the most  
o provide  
might be

## SESSIONAL PAPER No. 8c

disposed to take advantage of the institution. With certain concessions, which Sir John Colborne pointed out, he believed that all pretence for clamour or dissatisfaction would be taken away and he urged the appropriation of any balance that might remain after the wants of the college had been supplied, to the improvement of district and township schools on a well organized system as the best means to check the progress of demagogues. The correspondence shows how greatly Sir John Colborne had the interests of education at heart, but it appears, as already, noticed, to have been largely in connection with the Anglican church. (See series Q, volume 357-2, page 296.) That endeavours were made to make political use of the school question is evident from the series of resolutions introduced into the House of Assembly, only one of which was adopted on their first introduction, that, namely, which recited the fact of a grant having been made from the waste lands of the Crown for the establishment of a free grammar school in each district in which one was wanted and to enable seminaries of a more comprehensive nature to be established in due process of time, but the Assembly declined at that time to pass other resolutions condemnatory in their nature. The resolutions of the general quarter sessions for the district of London, whilst acknowledging the great exertions of Sir John Colborne in the cause of education and the benefit to York and its vicinity of the Minor College established there, pointed out that few parents in their part of the country were in a position to take advantage of the facilities it held out for the education of the young and asked for such an endowment for the school of the London district at London, the district town, as would render it efficient as a classical seminary and a nursery for the University of King's College, but this did not lead the memorialists to neglect calling attention to the wants of the district schools with which, the address said, the memorialists had no desire to interfere. A series of resolutions was passed in the House of Assembly, expressing gratification that the reformation of the Royal Grammar school was founded upon the liberal principle the Assembly had already pressed upon the Governor's attention, that is the doing away with exclusive privileges conferred on the Anglican church. This was still more strongly brought out in the second resolution which is here given in full :

*Resolved*, That this House is glad to find that His Excellency still anticipates a modification of the charter of King's College, which as at present constituted is wholly undeserving of public patronage and likely to foment sectarian jealousies and prove equally injurious to the purity of religion and to the liberties of the people. (Series Q, volume 358-3 page 590.)

The third resolution was to the same effect. In the next, the claims of the clergy of the Church of England to dominant power were strongly denounced and although it has no direct bearing on the question of education yet the feeling respecting the claims of the Anglican Church to monopolise the clergy reserves, if that feeling was as represented by the resolution, no doubt had an effect on the views taken of the question of education and of the control of the higher institutions of learning by the Anglican Church. The words of the resolution are: "That there justly is in the minds of the "people of this province a strong and settled aversion to a dominant church connected "with the government in a claim to the monopoly of the clergy reserves." The proposal made by Lord Goderich to leave King's College "to the members of the Episcopal Church," endowing another college for the accommodation of the other religious denominations was objected to by Sir John Colborne when the proposal came before him as



63 VICTORIA, A. 1900

may be seen by referring to a previous part of this report and his belief was confirmed, by the statement which Mr. George Ryerson sent to the Colonial Office on behalf of the Methodists. Mr. Ryerson denied that he and his friends were actuated by "unworthy jealousy" towards the Church of England and asserted that many of those opposed to King's College, as that institution was constituted, were Churchmen, that is, adherents of the Church of England, and alleged that the people of Upper Canada were so divided in their religious beliefs that no religious denomination formed a majority of the Upper Canadian population so that it would, he held, be impolitic and unjust to give any one of them advantages which might virtually constitute it the established religion. In other words whilst all the religious denominations were united in opposition to the Anglican Church they were equally united in opposition to any other being favourably regarded by government. Mr. Ryerson had, he alleged, as little objection to the Church of England being the favoured denomination as any other, but he protested against the principle as unjust, that of giving to the clergy of the Anglican Church advantages of various kinds, including charge of the colleges, and he repeated the assertion that he and his friends were acting from principle and not from jealousy or party spirit. Peter Jones, otherwise Kahkewaquaonaby was deputed by his tribe to go to London to represent their wishes to be helped in their poverty and to tell the King what was in their hearts about their lands, but so far as the written powers from the Chippewa or Credit River Indians go there is nothing in them to show that Peter Jones was authorised to make any complaint about the control of the schools or to associate himself with Mr. Ryerson in the subjects with which he was dealing as he appears to have done. (Series Q, volume 358-3, pages 634, 637.)

In Note C is an account of the civil and other establishments in Upper Canada sent by Sir John Colborne. The report is given so much in detail that it is unnecessary to make a summary. The only remark that appears to be called for is the statement that the population of Upper Canada amounted in April, 1831, to 234,000. In 1890-91 according to the census return, sixty years after, it was 2,114,321.

In respect to many subjects dealt with in the correspondence, such as the claims for half pay and for losses suffered during the war of 1812, the attempts to improve the position of the Indians, documents relating to McGill College, the difficulties experienced with respect to the collection of postages, the Anglican Bishop of Quebec having been charged £1.13.3, or nearly \$8, for a single package, an examination of the calendar for Upper and Lower Canada will throw light on these and other subjects, the discussion of which in the report would occupy more space than is readily available.

The whole respectfully submitted,

DOUGLAS BRYMNER,

*Archivist.*

Ottawa, 30th December, 1899.

## SESSIONAL PAPER No. 80

Names.	Residences.	Works.
Antiquarian Society.....	Worcester, Mass.....	Proceedings.
Armitage, Rev. W. J.....	Halifax, N. S.....	Year Book of St. Paul's Parish.
Auclette, L. A.....	Ottawa.....	Exchequer Court Reports.
Bain, James.....	Toronto.....	Pamphlets.
Bates, E. B.....	Ottawa.....	Directories, Pamphlet.
Burton, C. M.....	Detroit, Mich.....	Pamphlets.
Canadian Bank of Commerce.....	Ottawa.....	Map of the Yukon.
Canadian Society of Civil Engineers.....	Montreal.....	Reports.
Connecticut Historical Society.....	Hartford.....	Collections.
Duhamel, His Grace Archbishop.....	Ottawa.....	History of Colonization.
Farmer, Silas.....	Detroit, Mich.....	Guide and Historical Souvenir of Detroit.
Filson Club.....	Louisville, Ky.....	Publications.
Gemmil, J. A., Q.C.....	Ottawa.....	Manuscript.
Gerin, Léon.....	".....	La Science Sociale.
Girard, Rev. Père.....	Ste. Anne de Beaupré.....	Annals of Ste. Anne (French and English).
Harvard University.....	Cambridge, Mass.....	Report.
Historical MSS. Commission.....	London, England.....	Publications.
Howe, Syd.....	Middleton, N.S.....	Pamphlet.
Johnson, Geo.....	Ottawa.....	Statistical Year Book.
LeMoine, Sir James.....	Quebec.....	The Plains of Abraham.
Literary and Historical Society.....	".....	Transactions.
Lynch, W. H.....	Danville, P.Q.....	Pamphlet.
Manitoba Historical and Scientific Society.....	Winnipeg.....	Reports.
Mavor, Professor.....	Toronto.....	Hand book of Canada and MSS. relating to the Doukobours.
Minnesota Historical Society.....	St. Paul.....	Report.
New York State Library.....	Albany.....	Bulletin; Report.
North Indiana Historical Society.....	South Bend, Ind.....	Publications.
Nova Scotia Historical Society.....	Halifax.....	Collections.
Ontario Historical Society.....	Toronto.....	Pamphlets; Reports and Records.
Ontario Land Surveyors.....	".....	Proceedings.
Porter, Peter A.....	Niagara Falls, N.Y.....	Pamphlets.
Providence Public Library.....	Providence, R.I.....	Bulletins.
Public Library, Newcastle-upon-Tyne.....	Newcastle-upon-Tyne.....	Reports.
Record Commissioners.....	Providence, R.I.....	Early records of the town of Providence.
Renick, E. I.....	Washington, D.C.....	Publications.
Rhode Island Historical Society.....	Providence, R.I.....	Publications.
Royal Historical Society.....	London, England.....	Transactions.
Royal Scottish Geographical Society.....	Edinburgh.....	Magazines.
Saunders, W.....	Ottawa.....	Experimental Farm Reports.
Shortt, Professor Adam.....	Kingston.....	Early History of Canadian Banking.
State Historical Society of Wisconsin.....	Madison.....	Catalogue of Newspaper files.
Stewart, MacLeod.....	Ottawa.....	Pamphlets.
Thorburn, Mrs.....	".....	Post Office of Yarmouth, N.S.
Toronto University.....	Toronto.....	Pamphlet, Review of Historical Publications.
Trustees of the Illinois State Historical Society.....	Springfield, Ill.....	5th Biennial Report; Pamphlet.
Trustees of the Public Library.....	Boston.....	Annual Report.

Names.	Residences.	Works.
U. E. Loyalists Association.....	Toronto.....	Report; Transactions.
Walker, B. E. ....	Toronto.....	A History of Banking in Canada.
Wentworth Historical Society. ....	Hamilton.....	Transactions.
White, Richard, "The Gazette" ..	Montreal.....	The People's Almanac.
Williams, Rev. M. C.....	St. Louis, Mo. ....	Early Mackinac, The Fairy Island.
Winter, Charles M. ....	Ottawa.....	Pamphlet.
Wisconsin University.....	Madison, Wis.....	Bulletin.
Women's Canadian Historical So- ciety.....	Ottawa.....	Report; Pamphlets.
Wrong, Professor G. M.....	Toronto.....	Review of Historical Publications relating to Canada.
Yale University.....	New Haven.....	Catalogue; Report.

## NOTE A.

## CLERGY RESERVES.

No. 1.—MEMORIAL FROM MEMBERS IN CANADA OF THE CHURCH OF SCOTLAND.

(*Archives, Series Q, Vol. 157—1, p. 5.*)

Memorial To The Right Honourable Earl Bathurst, K.G., His Majesty's Principal Secretary of State for the Colonies, &c., &c., &c.

Humbly Sheweth,—That your Memorialists are Presbyterians in full communion with the Established Church of Scotland, having Pastors regularly ordained in that Church. That the several congregations which they compose are numerous and respectable and from the natural progress of this country and the accessions of Scotch and Irish Emigrants which are added yearly to their number increasing with singular rapidity. That your Memorialists attached by principle and Education to the Doctrine, and Worship of their National Church have hitherto made extraordinary exertions to build Churches for the exercise of their worship and by voluntary subscription have raised funds for the maintenance of their Pastors. That this burden although its pressure has been severely felt, having fallen very unequally on the Members, as must ever happen in the case of voluntary contributions has hitherto been cheerfully borne by your Memorialists, who, without receiving any effective aid from government have continued to support their Churches and Clergy on a respectable footing.

But although Your Memorialists have without receiving aid or encouragement from any quarter, by zealous and persevering exertions successfully contended against all the difficulties and obstacles to which they were first necessarily exposed in the infant state of this Colony and from the original paucity of their numbers, until they have now the satisfaction of seeing their Churches in a flourishing condition—they regret to find that the continued pressure of their manifold expenses is more than they are able to sustain and that with their utmost exertions they cannot place their Clergymen on that footing of comfortable independence which is so happily secured to their Brethren in Scotland, and without which the exertions of a Minister must be damped and his usefulness greatly limited.

Your Memorialists beg leave further to represent to Your Lordship that while they and their Presbyterian Brethren in these provinces remain in this unfavourable situation they cannot hope to obtain generally the inestimable advantages which are derived from the services of able and respectable Pastors; and unless a Paternal Government will interpose its aid in their behalf a great part of them for many years to come must be left destitute of regular Pastors, and stated worship; for it is not to be expected, that gentlemen of suitable qualifications for the Ministerial office will be induced to quit their Native Land, and accept invitations to the Country in the prospect of a precarious and very limited Salary.

Your Memorialists feel the deepest regret in stating to Your Lordship that in consequence of the extreme difficulty of making such a provision as would be requisite for

63 VICTORIA, A. 1900

the maintenance of proper Clergymen there are many populous Settlements more especially in Upper Canada without Pastors and a people eminently distinguished in their native land by their religious spirit and good morals and fervently attached to their National Church, are in these Colonies not unfrequently deprived of the services and ordinances of religion, constrained to place themselves under the Ministry of wandering and unqualified Preachers, or connect themselves with Societies whose religious opinions and sentiments are but little congenial with their own.

Not to dwell on the evils, which in a moral and religious point of view are hereby incurred Your Memorialists beg leave humbly to suggest to Your Lordship, that this situation of the country in a *political view* is fraught with danger. As the chief emigration proceeds from Scotland and Ireland it happens that a great Majority of the Protestant population in the British provinces of North America are of the Presbyterian persuasion and therefore can derive no benefit from the Established Church of England in consequence of which they are either wholly destitute of religious instruction and ordinances or from necessity become attached to the various Sectaries who resort among them from all parts of the United States of which the necessary effect is to disseminate political disaffection with religious fanaticism.

To obviate these evils it appears to Your Memorialists that no measure would be more effectual than some general provision devised by the Wisdom of Government for the purpose of securing regular and respectable Pastors to the Presbyterian Body; and since the greater part of this Body are Members of the Church of Scotland and attached to it by the strongest ties of principle and patriotism Your Memorialists beg leave humbly to suggest that a Branch of the Church of Scotland established in Canada with a suitable provision for its support would so far as they can judge effectually unite this numerous respectable and growing body of His Majesty's Subjects—would attach them to the parent Country by the strongest bonds—would give general and high satisfaction to these Colonies and could not fail to produce sentiments of the liveliest gratitude in the minds of those, who were the immediate objects of a measure so beneficial and so worthy of an enlightened and paternal Government which has ever manifested a special solicitude to provide for the religious and moral improvement of its people.

Your Memorialists beg permission to inform Your Lordship that with a view to the Attainment of this desirable object, they have at this time transmitted a Petition to be submitted to the next general Assembly of the Church of Scotland, praying to be incorporated with their parent Church and to be placed under its immediate Jurisdiction and Government and they have every reason to believe that the success of this Petition will chiefly depend on the determination of His Majesty's government with respect to the subject of the present Memorial, as without some adequate provision to secure the respectability of their Churches in Canada, it is not to be expected that the General Assembly will grant the desired connection; your Memorialists have therefore communicated to the Commission of the General Assembly of the Church of Scotland a Copy of this Memorial to Your Lordship and have requested its mediation in their behalf and they indulge the pleasing hope that such an arrangement may be made between the Government and the General Assembly as will accomplish the important end which they have in view.

Your Memorialists are persuaded that it is wholly unnecessary on their part to state to your Lordship that the Church to which they have the honour to belong has ever been distinguished by a sincere and steadfast attachment to the illustrious House of Hanover and to our glorious and happy constitution. That as a National Church it has been eminently successful at home in maintaining and promoting with pure religion and good morals the congenial and intimately allied principles of loyalty and patriotism; they would presume therefore with a modest confidence as part of that Church to claim for themselves and their Brethren in Canada, the protection and continuance of an enlightened and paternal Government. They trust to the Wisdom of the Government to devise the most proper means of placing themselves and their Brethren in these Provinces on a more respectable footing, and extending to them some portion of that support and indulgence which are so deservedly enjoyed by the Sister Establishment,

## SESSIONAL PAPER No. 8c

to which they do not yield in loyalty and affection to His Majesty's person nor in a faithful and ardent attachment to their Country and its happy Constitution of Government.

QUEBEC IN LOWER CANADA,  
November 12th, 1820.

James Harkness .....	} Trustees.	Archibald Ferguson.....	} Elders.
Minister of St. Andrew's Church		James Thompson.....	
James Ross .....		James Thorn.....	
J. Neilson .....		James Ross .....	
Thomas White .....		David Ross ..	
		John Munro .....	
		Wm. Meiklejohn .....	
		Alexr. Badenoch .....	

MONTREAL IN LOWER CANADA,  
November 18th, 1820.

James Somerville, Min .....	} Elders.	Norman Bethune.....	} Trustees.
Henry Esson, Min.....		John Fisher.....	
Robert Annan .....			
Thomas Porteous .....			
Thomas Blackwood.....			
J. Leslie.....			
H. Mackenzie.....			
James Carswell.....			
James Birss .....			
Andrew White.....			
Philip Ross .....			
George Garden.....			

## NOTE A—No. 2.—LORD DALHOUSIE TO LORD BATHURST.

(Archives, Series Q, Vol. 157-1, p. 2.)

QUEBEC, 18th January, 1821.

MY LORD,—I have the honour to transmit a Memorial from certain Members of the Presbyterian Church in Canada, and I beg to bring the subject under Your Lordship's consideration as one of the highest importance to His Majesty's North American Provinces generally; for the matter contained in this is applicable equally to each of them.

The mischief already done by the wandering Preachers from the United States is very serious, they are persons generally of the lowest classes, literally seeking their bread as beggars; they preach any doctrine, any principles, any mode of worship that their ingenuity invents as suited to the time and place; they unsettle the affection of the people to their Government at the same time that they destroy every principle of real Religion or Morality.

The Catholic Clergy in this Province is provided for by the system of Tythes—The Established Church of England is taken care of by the Society for propagation of the Gospel, but the Scotch Presbyterian Church is in no way provided for—it is now well known that the great proportion of the Emigrants who flock to this Country at present from Scotland and Ireland, is of the Presbyterian Church. For these reasons I trust your Lordship will think me justified in recommending this Memorial in the most earnest manner, hoping that some extensive system may be founded upon it, to connect us with



63 VICTORIA, A. 1900

the Established Church of Scotland, and to enable it to send us Preachers with fixed salaries until the Provinces severally are better able to provide for their own wants in this respect.

With this Memorial I beg Your Lordship's attention to several private applications on the same subject, they will set before Your Lordship all the information that appears to me necessary upon it, and help to urge the importance of it. I had intended to have addressed Your Lordship from Nova Scotia before I left that Province, but being aware of the same difficulties existing in Canada, I reserved the subject until I had it in my power to place it thus fully before Your Lordship.

I have the honour to be My Lord,  
Your Lordship's most obedient humble servant,

DALHOUSIE.

The Right Honourable  
The EARL BATHURST, K. G.  
&c., &c., &c.

NOTE A—No. 3.—JAMES STEPHEN, jr., to R. WILMOT HORTON.

(*Archives, Series Q, Vol. 169, p. 91.*)

LINCOLN'S INN,  
9 Jany., 1824.

SIR,—In compliance with your directions I have perused a Petition from the Ministers and Elders in connection with the established Church of Scotland in Upper and Lower Canada, and the Petition from the Corporation for superintending, managing, and conducting the clergy reserves, in the province of Lower Canada; and the opinion of His Majesty's Advocate, and of the Attorney and Solicitor General, dated the 15th of November 1819, together with the various documents which have been transmitted to Lord Bathurst, in support of, or in opposition to the claims of the Clergy of the Church of Scotland; and with reference to the various papers above mentioned, I have to submit to you, for Lord Bathurst's consideration, the following remarks—

The object of the Petition of the Clergy of the Church of Scotland in Canada, is to obtain an order from His Majesty, directing, that a portion of the land reserved by virtue of the statute 31 George 3. c 31, for the maintenance of a Protestant Clergy, in the Upper and Lower Provinces, may be appropriated for the support of the clergy of the Church of Scotland in Canada.

The object of the Petition of the Corporation for managing the Clergy reserves, which consists exclusively of clergymen of the Church of England, is to prevent any part of these lands from being granted for any purpose but that of maintaining the clergy of their own persuasion.

In November 1819, the Law officers of the Crown reported to Lord Bathurst their opinion. First—That the provisions of the statute 31 Geo. 3 c. 31 for the support of a Protestant clergy may be extended to the clergy of the Church of Scotland, and not confined solely to the clergy of the Church of England. Secondly—That those provisions do not extend to dissenting Ministers, or to any class of Protestant Clergy not established by law. Thirdly—That if the Governor is duly authorised, by the statute 31 Geo. 3. c. 31, to direct the application of the rents and profits of these lands, he will be justified, in point of law, in applying them to the maintenance of the clergy of the Church of Scotland, as well as those of the Church of England and—Fourthly—That the Governor, with the advice of the Executive Council, has a discretionary power to endow any particular Rectory, with the whole of the lands reserved within such Rectory for the maintenance of the Protestant Clergy, it not being incumbent upon His Majesty to make a reservation of any such lands for the clergy of the Church of Scotland.

## SESSIONAL PAPER No. 8c

It appears therefore, from this opinion, that the Clergy of the Church of England cannot claim the whole of these lands as a matter of right; but that His Majesty, or the Governor, with the advice of his Council, may exercise a discretion as to the proportion which is to be appropriated to their support. It does not appear to me, that any of the documents now transmitted contain any statement which alters the grounds of this opinion, or suggests any argument which would probably lead the Law Officers of the Crown to different conclusion.

It is, I conceive, therefore a question simply and exclusively of a political nature—in what proportions these lands should be divided between the Clergy of the two churches; or, whether they should not rather be exclusively appropriated for the maintenance of the Clergy of the Church of England. Supposing Lord Bathurst to be of opinion that it would be expedient to make a provision out of these lands for the Scotch clergy, it will then become necessary to consider how that decision is to be carried into effect. Upon that point, the Law Officers of the Crown have not hitherto expressed their opinion, and I submit to you, that, considering the magnitude and importance of the subject, it would not be fit to issue any directions for appropriating, to the maintenance of the Scotch clergy, any part of the reserved lands, without first obtaining from the Law Officers of the Crown an opinion, as to the manner in which, and the authority by which, such an appropriation could be legally and effectually made. Upon this question it would probably be superfluous for me to express any opinion of my own, and until Lord Bathurst's decision is formed respecting the propriety of making such a grant, it would be premature to ask the opinion of the Law Officers of the Crown.

I have the honour to be,

Sir,

Your most obedient humble servant,

JAS. STEPHEN, Junr.

ROBT. WILMOT HORTON, Esq.,  
&c., &c., &c.

## NOTE A—No. 4.—LORD DALHOUSIE TO LORD BATHURST.

(*Archives, Series Q, Volume 168-1, p 113.*)

QUEBEC, 10th March, 1824.

MY LORD,—In compliance with an address from the Assembly of this Province I beg leave to transmit to your Lordship herewith, for the purpose of being laid at the foot of the throne, the address of that body to His Majesty representing the claims of the members of the Church of Scotland in this Province, as well as of all Protestant dissenters from the Established Churches of England and Scotland to a provision for the Ministers of their several denominations, out of the lands allotted for the support of a Protestant Clergy of this Province.

I have the honour to be,

My Lord,

Your Lordship's

Most Obedient

Humble Servant,

DALHOUSIE.

The Right Honourable  
The Earl Bathurst.

63 VICTORIA, A. 1900

## NOTE A—No. 5.—LORD DALHOUSIE TO MR. HUSKISSON.

*(Archives, Series Q, Volume 182-1, p. 59.)*

QUEBEC, 14 Feby., 1828.

SIR,—I did myself the honour in the month of Novr. last to intimate the intention of the Clergy of the Presbyterian Church in Canada to address themselves to H. M. Govt. in consequence of a letter addressed by the Rev. Dr. Strachan of Upper Canada to Mr. Wilmot Horton, and inclosing what he called an Ecclesiastical Chart of that Province. These Gentlemen having now solicited my recommendation of the person whom they have deputed as their Agent, I beg your permission to present Mr. Grant as a most respectable and well informed Gentleman of the Bar at Montreal.

Permit me at the same time to solicit for him and the Clergy of the Church of Scotland your favourable consideration of his Papers which I am perfectly satisfied are most correctly stated, and contain Claims equally just and consistent with the soundest policy to promote the Interests of the Canadas.

I have the honour to be, Sir,

Your most obedient humble Servant,

DALHOUSIE.

The Honble.

W. Huskisson.

## NOTE A—No. 6.—GEORGE RYERSON TO R. WILMOT HORTON.

*(Archives, Series Q, Vol. 350, p. 341.)*

14 MUSEUM ST., BLOOMSBURY, 7th June, 1828.

SIR,—For the information of the Right Honourable His Majesty's Secretary of State for the Colonies I have the honour to enclose a printed Copy of a Report made by the select Committee of the Commons House of Assembly of Upper Canada, on the subject of the Clergy reserves, and of different denominations of Christians in Upper Canada. The appendix containing the whole of the evidence I have not received. The address to His Majesty, which embraces the sentiments of this Report, and a copy of which I have also received, has I presume been transmitted to His Majesty's Government through the proper channel.

The document which I have now the honour to enclose corroborates the statements made in my last communication as to the wishes of His Majesty's Subjects in U. Canada, relative to the appropriation of the clergy reserves, and the charter of the University in that Colony.

The Clergy reserves have greatly hindered the settlement and improvements of U. Canada, and that it will conduce much to the prosperity of the Colony to sell them, is acknowledged without any difference of opinion. It is the general wish of the inhabitants that the proceeds should be given for the purposes of education and internal improvements. But should His Majesty's Government not approve of this, that, they should be equitably appropriated under the directions of the Provincial Legislature for the benefit of Christians of every denomination in the Colony.

I request that I may be allowed to give evidence before the Committee of the Honble House of Commons at present sitting for the consideration of matters relative to the civil government of Upper and Lower Canada.

I have the honour to be, Sir,

Your most obedient servant,

GEO. RYERSON.

R. W. HAY, Esquire,  
Colonial Office,  
Downing Street.

## SESSIONAL PAPER No. 8c

## NOTE A—No. 7—REPORT OF SELECT COMMITTEE.

*(Archives, Series Q, Vol. 350-2, p. 343.)*

## COMMITTEE.

Marshall S. Bidwell, Esquire, Chairman.

Peter Perry, Esquire.

John Matthews, Esquire.

Hugh C. Thomson, Esquire.

George Hamilton, Esquire.

## REPORT &amp;c.

To the Honourable the House of Assembly :

The select Committee to whom were referred the petition of Bulkley Waters and others, and various other petitions of the same tenor, signed by nearly 6,000 persons, and also the petition of E. W. Armstrong and others, submit the following report.

The first object of the Committee was to obtain a correct copy of the letter and chart referred to in the petitions.—It will be found in the appendix to this report marked A. It is dated May 16, 1827, and was addressed by the honourable and venerable Doctor Strachan, Archdeacon of York, a member of the Legislative and Executive Councils of this province, to the Right Hon. R. J. Wilmot Horton, at that time under Secretary of State for the Colonies, for the information of Lord Goderich, then at the head of the Colonial Department. It appears to have been intended as a document for the information [of] His Majesty's Government, upon which important measures on their part with respect to this Colony might have been founded.

Before proceeding to the examination of the statements contained in the letter and Chart, the committee directed the chairman to transmit to the honourable and venerable Dr. Strachan, a copy of the petition referred to them, and to inform him, that the Committee would be happy to receive from him any information upon the matter submitted to their consideration. A copy of the chairman's letter and of Doctor Strachan's answer (marked B) are annexed to this report. The evidence afterwards received from that gentleman will be found in the appendix to the minutes of evidence.

The Committee have examined all the Members of the House of Assembly whose testimony they could obtain, some members of the Honourable the Legislative Council, of long residence high standing and large possessions in the Province; various clergymen of different denominations in York, and its vicinity, and a few other individuals.

From the evidence it will be perceived that the letter and chart were calculated to produce in many important respects erroneous impressions respecting the religious state of this Province, and the sentiments of its inhabitants. As it seems from Doctor Strachan's evidence that they were drawn up suddenly from memory and without the means of reference to sources of authentic information, it is much to be regretted that these circumstances had not been at least hinted at in the letter itself, and the more so when it is considered that as he stated to the Committee he had never known the number of members of the Church of England in this Province. The assertions in the letter that "the people are coming forward in all directions offering to assist in building churches and soliciting with the greatest anxiety, the establishment of a settled minister," and that the "tendency of the population is towards the Church of England, and nothing but the want of moderate support prevents her from spreading over the whole Province," are completely contradicted by the evidence.

Upon this subject the committee would remark that the church of England has always had in this province peculiar advantages. It has been the religion of those high in office and been supported by their influence and countenanced more than any other church by the favour of the Executive Government. Its clergymen have had the exclusive right of marrying persons of all denominations indiscriminately. Although by a provincial statute, the justices of the peace in general quarter sessions are

63 VICTORIA, A. 1900

empowered, if they shall deem it expedient, to authorise Lutheran and Calvinist clergymen and ministers of the Church of Scotland to marry any two persons of whom one has been for six months previously to such marriage a member of the congregation of the clergyman who performs the ceremony. This right the clergymen of the church of England still exclusively enjoy, notwithstanding that the House of Assembly has for several sessions successively, by a large majority, passed a bill (which has not been concurred in by the honourable the Legislative Council) to extend this right to the clergymen of Christian denominations in this Province generally: the clergymen of the Church of England have also been liberally supported, and their churches partly or wholly built from the funds of a society in England. The solitary disadvantage mentioned by Doctor Strachan in his evidence before the Committee of being obliged for want of a Bishop resident in the colonies to resort to England, for episcopal consecration has never existed since the province has had its present form of government. During all that time a bishop has resided at Quebec. Still the number of members of that church has not increased in the same proportion as that of several other denominations. These facts confirm the opinion so generally expressed by the witnesses that the tendency of the population is not towards that church. The contrary opinion entertained by a few of the witnesses may have arisen very naturally from a considerable increase recently in the number of missionaries of that church, which however ought probably to be ascribed to the liberality with which salaries for their support are furnished by the society for propagating the gospel in foreign parts, rather than to any strong wish of the people to have clergymen of that church settled among them.

In reference to the aid furnished by this society (from whose funds an annual salary is paid to every clergyman of the Church of England in the Province, in Priest's orders, £200 sterling and in Deacon's orders £100 sterling,) and as an argument for further assistance, it is said in the letter, "How ineffectual this aid is to supply the increasing necessities of the colony has been sufficiently shown: for the tendency of the population is toward the Church of England, and nothing but the want of moderate support prevents her from spreading over the whole provinces."

According to the concurring testimony of the witnesses, the members of the Church of England, in this province in proportion to their number have at least equal means of supporting their clergymen with other denominations. The latter have a large number of clergymen in the province, without any aid therefore from Great Britain the members of the Church of England are able without difficulty to support as many clergymen of their church as the number of their members requires. If however they are not willing to furnish for this purpose the same means which other sects furnish for a similar purpose, there can be but little tendency, even among those who are nominally its members, to the church of England. If they are willing there can be very little necessity for the aid now received from Great Britain and much less for any further assistance unless to carry on a system of proselyting to that Church, the members of other denominations.

The insinuations in the letter against the Methodist Clergymen the Committee have noticed with peculiar regret. To the disinterested and indefatigable exertions of these pious men this province owes much. At an early period of its history when it was thinly settled and its inhabitants were scattered through the wilderness and destitute of all other means of religious instruction, these ministers of the gospel, animated by Christian zeal and benevolence, at the sacrifice of health and interest and comfort, carried among the people the blessings and consolations and sanctions of our holy religion. Their influence and instruction, far from having (as represented in the letter) a tendency hostile to our institutions, have been conducive, in a degree which cannot easily be estimated, to the reformation of their hearers from licentiousness, and the diffusion of correct morals, the foundation of all sound loyalty and social order. There is no reason to believe that, as a body, they have failed to inculcate, by precept and example, as a Christian duty, an attachment to the Sovereign and a cheerful and conscientious obedience to the laws of the country. More than 35 years have elapsed since they commenced their labours in the colonies. In that time the province has passed through a war which put to the proof the loyalty of the people. If their influence

## SESSIONAL PAPER No. 8c

and instructions have the tendency mentioned, the effects by this time must be manifest; yet no one doubts that the Methodists are as loyal as any of His Majesty's Subjects. And the very fact that while their clergymen are dependent for their support upon the voluntary contributions of their people, the number of their members has increased so as to be now, in the opinion of almost all the witnesses, greater than that of the members of any other denomination in this province, is a complete refutation of any suspicion that their influence and instructions have such a tendency: for it would be a gross slander on the loyalty of the people to suppose that they would countenance and listen with complacency to those whose influence was exerted for such base purposes. The number of relative proportion exactly of the members of the different denominations of Christians of this province, the committee have not ascertained. In the answers to the 9th, 10th and 11th questions will be found the opinions of the witnesses upon the subject. The most correct and full information will be found in the chart in the appendix (marked C.) for which the Committee was indebted to Doctor Morrison and which appears to have been drawn up with great care and accuracy; a chart was also delivered to the Committee by Doctor Strachan and will be found in the appendix (marked D.)

There can be no doubt that in addition to the Methodists there are in the Provinces several denominations of Christians who are more numerous than the members of the Church of England. Besides these there are probably many other persons who are not attached to any particular church or form of worship; compared with the whole population, the members of the church of England must therefore constitute an extremely small proportion. It would be unjust and impolitic to exalt this church, by exclusive and peculiar rights, above all others of His Majesty's Subjects who are equally loyal, conscientious and deserving. A Country in where there is an established church from which a vast majority of the subjects are dissenters, must be in a lamentable state: the Committee hope that this Province will never present such a spectacle. It is well known that there is in the minds of the people generally a strong and settled aversion to any thing like an established Church and altho' from the conviction so happily and justly entertained that His Majesty's Government will never adopt a measure so deeply affecting the interests and feelings of the inhabitants of this Province, without the most indulgent consideration of their wishes on the subject, there is less anxiety than would otherwise exist, yet the apprehension that it was the intention of His Majesty's Government to incorporate the Church of England or any other church with the government as an appendage of the state—and to invest it with peculiar rights or privileges, civil or pecuniary, from which other sects were excluded, would excite alarm through the country, and the actual execution of such a measure would produce the most general and lasting discontent. There is besides no necessity for such an establishment. It cannot be necessary for the security of the government; the loyalty of the people is deep and enthusiastic, and it may be doubted how far it would be improved or increased by any state establishment of clergymen. Religious instruction, it is true, will promote and strengthen loyalty and all other virtues; but no more when communicated by clergymen of the Church of England than by those of other sects, and probably less if they are or appear to be political teachers and servants of the state, rather than ministers of the Gospel. It cannot be necessary for the ends of religion; other denominations of course will not be benefited by it, and the church itself will derive probably but little if any real advantage. The piety and religious prosperity of a church can gain but little from men who are induced by secular motives to assume the sacred functions of the clerical office. In the neighbouring State of New York as stated by Doctor Strachan to the committee, where all denominations have by law equal rights, the Church is in a respectable and flourishing state, Artificial distinctions between men of the same rank, which have no reference to their merits, as loyal, peaceable, obedient subjects, or to their character for morality and conscientiousness, but merely to their religious opinion, are unjust and impolitic. Men may and do in fact entertain the most conscientious objections either against the particular doctrines or form of worship of any given church, or in general against the civil establishment of any church whatever, and its union with the state: if the church is incorporated with



63 VICTORIA, A. 1900

the state they are compelled by the obligations of conscience to oppose one of the civil institutions of the country, a part of the government itself. It is in fact their duty to do so but by doing so they become objects of jealousy and suspicion, and in addition to their unjust exclusion from privileges to which they are as much entitled as those who are more fortunate tho' not more conscientious and perhaps not more correct in their opinions upon this subject, their very conscientiousness comes by degrees to be regarded and treated as a crime. Laws are made to guard against any attempts to injure the establishment. To curtail and counteract their influence they are excluded from the honours and offices of the state and subjected to civil disabilities, and thus in effect freedom of conscience is legislated against, and religion, the rules and sanctions of which are of an infinitely higher nature, is made to rest upon the precepts and penalties of human laws; at the same time the harmony and charity which would otherwise prevail between the members of different sects are disturbed, and sectarian pride and intolerance and animosity take their place.

Upon this Subject His Majesty's Government ought to be fairly and distinctly apprised of the sentiments and wishes of the people, and as the House of Assembly is the constitutional organ to convey to the throne their sentiments and wishes, the committee respectfully submit to the house the expediency of addressing His Majesty upon the subject.

The chart furnished to the Committee by Doctor Strachan, the evidence of the reverend Egerton Ryerson, the evidence of Doctor Morrison and the chart furnished by him and generally the answers of the witnesses to the 13th and 14th questions, will enable the House to judge how far the ecclesiastical chart which accompanied Doctor Strachan's letter to Mr. Horton was a fair and accurate representation of the state of the different denominations of christians in this Province. The expression "occasional service" as explained by Doctor Strachan may be applied almost ad libitum and if used in the same manner by the Methodist or other denominations, the places at which they have service may be multiplied almost indefinitely.—It does not appear reasonable to reconcile this explanation with the note to the column in the chart containing the names of the missionaries of the Church of England, which is in those words. "58 places "where there is regular or occasional service exclusive of frequent journeys taken by the "missionaries through the new settlements in their neighbourhood" for upon all these journeys (if service was performed) it must have been, and doubtless was, stated as occasional service.

In the course of their enquiries the committee obtained information, which to their surprise and regret gave them reason to believe that to create in the minds of the Indians recently converted under the divine blessing to the Christian religion, an influence unfavourable to their present religious teachers, through whose exertions this change has taken place, the name of His Majesty's Government had been used, and even that intimation had been made of an intention to compel them to come under the Church of England.

The great and surprising change which has occurred within a short period of time in the character and condition of large bodies of the Mississagua Indians is well known; from a state of vice and ignorance, wretchedness and degradation—almost brutal—they have been brought to habits of industry order and temperance, a thirst for instruction and knowledge, a profession of the christian religion, and apparently a cordial and humble belief of its truths and enjoyment of its blessings. In this change the Methodists have been chiefly instrumental. They have manifested the most benevolent zeal in accomplishing it; they have sent missionaries and established schools among them which are supported by voluntary contributions, and they are still labouring among them with the same disinterested spirit, and the same surprising encouragement and success; any attempt to interfere with them or to dictate to the Indians to what church they should belong, appeared most unwarrantable; but it was chiefly on account of the intolerant spirit which is indicated, and which when circumstances permitted, would lead to a similar interference with the religious freedom of the various denominations among ourselves, not connected with church of England, that the committee thought it their duty to investigate the subject: they therefore sent for Peter Jones and John

## SESSIONAL PAPER No. 8c

Jones, Indians of the Mississagua Tribe, to whom they understood such intentions had been communicated; their evidence will be found in the appendix, but ought to be read in connection with the explanation of the circumstances which was afterwards given to the committee by the honourable and venerable Doctor Strachan.

The committee beg to call the attention of the House to the subject of the monies which have been collected upon the leases of the clergy reserves; these reserves were set apart by the Imperial statute, 31st Geo. 3rd Chap. 31., expressly for the support of a protestant clergy. Altho' different opinions have been entertained as to the policy of such a provision, and also as to the meaning of the expression "A Protestant Clergy" yet there could be no doubt that the income accruing from them should be applied in some way to the support of "a protestant Clergy," and to that purpose only. The 37th section of the statute, in express terms, declares that this income shall be applied to this purpose and no other whatever; but from Doctor Strachan's evidence it seems that no part of it has ever been so appropriated. The small amount actually received is also a matter entitled to consideration.

The recent statute of the Imperial Parliament authorizing a sale of a part of the clergy reserves, the Committee has not seen and therefore do not know whether it directs the application of the proceeds to any particular purpose. They have been informed that according to this statute a part of these reserves are to be sold, and the proceeds after deducting the expenses of the sale, are to be paid into the funds of the Imperial Government, and a certain sum to be appropriated to the improvement of the remainder; assuming that by a proper application it would be obtained for the benefit of this Province, it is an interesting question what use shall be made of it. The people generally desire to see it appropriated in a judicious manner to public improvements and the support of education, upon such principles as will not countenance any distinction on account of religious profession or belief. The House of Assembly by the bill authorizing the sale of these lands and the appropriation of the proceeds to the purpose of education passed during the last session, have expressed their opinion against the policy and practicability of devoting it to the purposes originally intended. With the aid of the monies arising from this source, the province can undertake many works for internal improvement, by which its prosperity would be greatly promoted, and some of which seem almost indispensable, but which for the want of means, cannot without such aid be attempted. The anxiety of His Majesty's Government, to advance our interests assures us of their assent to all our reasonable wishes on the subject. The committee are therefore of opinion that an application should be made to have this fund placed at the disposal of the Provincial Legislature, in order that it may be applied to the purposes which have been mentioned. As to the remainder of the clergy reserves the committee without an examination of the British Statute last alluded to, are unable to say whether the right of directing their sale remains with the Provincial Legislature or is by that Statute confined to the British Parliament. In either case they think that measures should be taken to have them sold, if possible, and the proceeds applied to the same purposes, as those which they have recommended for the avails of that part of which the sale is already authorized.

Upon the examination of the copy of the charter of the University of King's College, transmitted to the House by His Excellency and referred to them, the Committee find that the following are some its provisions.

The Bishop of the Diocese is to be a visitor, and as such may disapprove of the bye laws, made for the college by the Council, which thereby became void, unless His Majesty in Privy Council afterwards reverse this order; the Governor, Lieutenant Governor, or person administering the Government is to be Chancellor, the President is to be a Clergyman in holy orders of the Church of England; the Hon. and Venerable Doctor Strachan, Archdeacon of York, is to be the first President, the corporation is to consist of the Chancellor, President and seven other persons who are to be members of the Church of England, and to sign the 39 articles of that church; the council, under certain restrictions, are to make bye laws for the college, one of these restrictions is that no religious test or qualification shall be required or appointed for any persons admitted or matriculated as scholars in the college, except that those admitted to the degree of Doc-

63 VICTORIA, A. 1900

tor in Divinity shall make the same declarations and subscriptions and take the same oaths as are required of persons admitted to any degree of Divinity in the University of Oxford. The Chancellor, President and Professors of the College, and all persons admitted in the College to the degree of Master of Arts or to any degree in Divinity, Law or Medicine, who from the time of such admission shall pay the annual sum of 20s. sterling towards the support of the College, are to be members of the convocation. From the message of His Excellency it appears that His Majesty has been pleased to grant as an endowment for the University 225,944 acres of the crown lands, and to appropriate, from the revenues of the Crown, the sum of £1000 sterling per annum for 16 years, for the erection of the buildings, and also that several of the religious societies in England have contributed to the institution by donations of money for the purchase of books and by the foundation of scholarships for Indians to the Indian tribes.

From the foregoing abstract of some of the provisions of the Charter the sectarian tendency of the institution will be manifest, Doctor Strachan, by whose representations and exertions, in a great measure, the Charter in its present shape, seems to have been procured: in a pamphlet, published in London, entitled, "An appeal to the friends of religion and literature, in behalf of the University of Upper Canada," distinctly states, that it will be essentially a missionary college for the education of missionaries of the Church of England.

That such must be the natural tendency of putting into the hands of that church the only seminary of learning in the country, where a liberal education can be obtained, is obvious; but the alarm and jealousy which this very circumstance will produce through the province, and has in some measure already produced and which will prevent parents and guardians from sending their children to it, will perhaps counteract this tendency, although at the same time it will, in an equal degree, limit the benefits which might otherwise be derived from the institution. A University adapted to the character and circumstances of the people, would be the means of inestimable benefits to this province. But to be of real service, the principles upon which it is established must be in unison with the general sentiments of the people. It should not be a school of politics or of sectarian views. It should have about it no appearance of a spirit of partiality or exclusion. Its portals should be thrown open to all; and upon none who enter should any influence be exerted to attach them to a particular creed or Church. It should be a source of intellectual and moral light and animation, from which the glorious irradiations of literature and science, may descend upon all with equal lustre and power. Such an institution would be a blessing to the country, its pride and glory. Most deeply is it therefore to be lamented, that the principles of the Charter, are calculated to defeat its usefulness and to confine to a favoured few all its advantages. That his Majesty's Government could even have contemplated such a limitation of its beneficence, that they could ever have intended to found it upon such terms as must either preclude from its benefits, the greater part of those for whom it was intended, or subject them to an age ill qualified to guard against such attacks, to the silent but powerful influence of a prevailing spirit and regular system of proselytism, none will believe. They could not have been aware of the insurmountable objections to which, from the circumstances of the country, and the sentiments of the people, some of the provisions of the Charter were liable. They acted undoubtedly under the impression, and with the intention of providing in the most gracious and liberal manner, an institution much needed and desired by the people. There is therefore every reason to believe that any representations from the house of assembly upon the matter, will be most favourably regarded. Under this impression the committee strongly recommended this subject to the consideration of the House. As to the right of the University to elect a Member of the House of Assembly, the Committee would remark, that there is no law which gives or (consistently with the Imperial Act 31st, Geo. 3rd, Chap. 31 commonly called our Constitutional Act,) can give, the right of representation to an university or any other corporation. By that Act the province was to be divided into Districts, Counties, Circles, Towns or Townships for the purpose of electing Members of the House of Assembly which was to be composed and constituted in the manner therein mentioned; that is, among other things, of persons chosen to represent some of

## SESSIONAL PAPER No. 8c

these divisions. The qualifications prescribed for voters in Districts, Circles or Counties differ from those prescribed for Voters in Towns. In the former, each voter must be possessed for his own use and benefit of lands, or tenements in such county &c., held in freehold, fief, roture or by certificate derived under the authority of the Governor and Council of the province of Quebec of the yearly value of 40 shillings sterling or upwards over and above all rents and charges payable out of or in respect of the same, in the latter each voter must be possessed for his own use or benefit of a dwelling house and lot of ground held in like manner of the yearly value of £5 and upwards, or, having been resident within the said Town or Township for the space of 12 Calendar months next before the date of the writ of summons for the election must bona fide have paid one year's rent for the dwelling house in which he shall have so resided, at the rate of £10 sterling or upwards.

By the provincial Statute 60th Geo. 3rd, Chap. 2nd, it is enacted that whenever an university shall be organized and in operation as a seminary of learning in this province and in conformity to the rules and statutes of similar institutions in Great Britain, it shall and may be lawful for the Governor, Lieutenant Governor or person administering the Government, of this province for the time being to declare by proclamation the tract of land appendant to such university, and whereupon the same is situated, to be a Town or Township—by such name as shall to him seem meet, and that such Town or Township so constituted, shall be represented by one Member,—Provided always nevertheless that no person shall be permitted to vote at any such election for a member, to represent the said University in parliament, who besides the qualification now by law required, shall not also be entitled to vote in the convocation of the said University.

The right of representation cannot exist until the university is organized, and in operation as a seminary of Learning and in conformity to the rules and statutes of similar institutions in Great Britain nor until the buildings for the University are actually erected. It then belongs to the Town or Township and not to the University. The Town or Township must be a tract of land both appendant to the University, and that on which it is situated. These expressions exclude all tracts of land separated from the University by lands of other owners, although such separate tracts of land may belong to the University, and all lands which do not belong to the University. The title of it must be vested in the Corporation, if it is corporate property, it cannot be a freehold estate of any individual to qualify him to vote upon it as a town elector, no person can have a freehold estate in a dwelling house and lot in the town; but the corporation. That qualification for any person to be a Town elector cannot exist in the University Town. The right of voting at an election for such town must be confined to those, besides being entitled to vote in the convocation, shall have resided one year in that Town, and bona fide paid rent for the dwelling house in which they shall have so resided at the rate of £10 sterling or upwards.

The right of voting will therefore be confined probably to a very few persons of whom perhaps the Lieutenant Governor may be one.

With this report, the committee present to the house the draft of an address to His Majesty upon various subjects which have been mentioned and may respectfully recommend that it be adopted by the House.

All of which is respectfully submitted.

MARSHALL S. BIDWELL

Chairman.

Committee Room, 15th March 1828.



63 VICTORIA, A. 1900

## NOTE A—No. 8.—REV. ANTHONY HAMILTON TO SIR GEORGE MURRAY.

*(Archives, Series Q, Vol. 191-2, p. 263.)*42 CASTLE STREET,  
LEICESTER SQUARE,  
January 16, 1829.

SIR,—The Publication of the Report of the Canada Committee has naturally attracted the attention of the Ecclesiastical Board to that portion of it which concerns the Clergy Reserves, and to the evidence upon which the recommendations contained in it, are supported.

They have observed with much concern the tendency of the opinion conveyed in the Report, as leading to an Interpretation of the Statute of 31st Geo. III, which is opposed to the conviction hitherto prevailing of the intention of the Legislature of that day to make a provision for the Clergy of the Church of England, without reference to any other class of Religious Teachers.

The Board will venture to solicit the attention of His Majesty's Government to this Question, on which the Interests of the Clergy of the United Church in Canada so entirely depend, with reference to the General Meaning of the Statute, as well as to a large portion of the evidence which is to be found attached to the Report, to confute which they conceive they are in possession of abundant material derived from Documents authenticated by the signature of a magistrate, and prepared by the Clergy of the Country, under the direction of the Bishop of the Diocese, at the instance of the Secretary of State, and conveyed to His Lordship through the Ecclesiastical Board.

The various pretensions which have been lately brought forward for a participation in that provision which was made by Parliament, for the maintenance of a Protestant Clergy in Canada have assumed a character and gained a strength since the Publication of the Report, which altho' the question remains altogether undecided, render it incumbent on the Ecclesiastical Board to put His Majesty's Government in possession of their sentiments. The claims of one party indeed are inconsistent with the pretensions of another; while the Ministers of the Kirk of Scotland ground their pretensions upon the fact of the Kirk being an establishment acknowledged by the Laws of Great Britain, a still more numerous body consisting of the Teachers of every Religious Sect, professing Christianity, seek a participation in that which the wisdom of the Legislature had reserved for the support of those who were connected with the State.

A further claim which is supported by a large body of Landed Proprietors, and has met the sanction of one branch of the Local Legislature, recommends the appropriation of these Reserves, to other purposes, such as a general provision for Education or the formation of Roads throughout the Colony. This was evidently not contemplated either by the framers of the Bill, or the Parliament which enacted the Statute. These discordant views, urged with all the vehemence of individual interest prove, if any proof were wanting, that the hopes of appeasing the present dissatisfaction which is said to prevail in the Colony, on the exclusive pretensions of the Episcopal Clergy,—hopes which appear to have operated with your Committee in the tendency of their observations, would prove utterly fallacious, in as much as a decision which would admit the claims of the Ministers of the Kirk of Scotland, would appear to aggravate the sense of injustice in excluding other Religious Teachers; and even the most liberal admission of these Claimants would be unpopular with the Advocates of the plan for diverting them altogether to other purposes, and these perhaps embrace the larger proportion of the Population.

But it is unnecessary to dwell upon the manifest inconveniences of any arrangement formed upon the basis of either of the two latter propositions. The one would lead to an interpretation directly at variance with the Legal signification of the words and the customary forms of speech,—the other would assume a character of spoliation which there is little reason to apprehend, would meet with the sanction of His Majesty's Government, or the Houses of Parliament.



## SESSIONAL PAPER No. 8c

The claims which are advanced by the members of the Kirk of Scotland, are advanced upon the ground of their being the Protestant Clergy of a Church established by Law; let us consider whether in that character, they fall within the scope of the Act.

It is true that the Kirk of Scotland has a Legal Establishment, and is acknowledged as such in the Act of Union, as well as in other Statutes; but its establishment is limited to that portion of the United Kingdom called Scotland, whereas the Church of England is established in England "*and the Territories thereunto belonging*," terms which are admitted to designate the Colonial Possessions of the Crown.

By the Act of Union, 5 Ann, c. 8 two preceding Statutes are recited and confirmed, the one of the Parliament of Scotland, the other of the Parliament of England, which enact: the former—that every King at his accession shall take and subscribe an Oath, to preserve the Protestant Religion and Presbyterian Church Government in Scotland, the latter,—that at his Coronation he shall take and subscribe a similar Oath to preserve the Settlement of the Church of England;—within England, Ireland Wales and Berwick "*and the Territories thereunto belonging*."

The instructions given to the Governors of the Province confirm this interpretation because in the instrument which conveys them the privileges of an established church, and which bears date from the 3rd of January, 1775; are said to belong only to the Church of England.—Again the 31st of the late King makes provision for a *Protestant Clergy* in the Canadas; it is conceived the term *Clergy in the Act* is applicable only to the Ministers of an Episcopal Church, and consequently the terms *Protestant Clergy* designate only the Clergy of the Church of England, for Sir John Blackstone under the term *Clergy* embraces only the several orders of the Episcopal Church, and distinguishes the Ministers by terms that are known in the Church of England, but are not known or acknowledged by the Kirk of Scotland such as Archbishops, Bishops, Deans, Rectors, &c.

Again in the disqualifying Act, passed in the 31st of the late King, by which Spiritual Persons were prohibited from sitting in the House of Commons, the Clergy of the Church of England and the Ministers of the Kirk of Scotland are described in different terms as two distinct bodies of men;—and it is apprehended that no one public instrument can be named in which these two descriptions of persons, are embraced under one denomination.

It is not intended by these Remarks to call in Question, the right which the Ministers of the Scotch Kirk may have to the designation of *Clergy*, but simply to ascertain what the British Legislature has always had in view, when they have employed that term, without further definition or qualification.

The interpretation here given is abundantly confirmed by the observations of Mr. Fox in the Debate upon this part of the bill, in 1791.—In the opinion of Mr. Fox "the Roman Catholic Religion ought to be the established Church of the Colony, or the Presbyterian that of the Kirk of Scotland," an observation that plainly indicates, that neither of those forms of Religion was the one contemplated by the Minister of the Crown, when the Bill was introduced, and passed the House of Commons.

The Ecclesiastical Board approach the consideration of the Law Officers of the Crown given in the Appendix of the Report with the utmost deference, but they are willing to believe that a revision of that opinion might lead to an opposite conclusion.

Had the opinion been given solely upon the merits of the case, upon the legal interpretation of an Act of Parliament,—the Board would have had much more hesitation in urging the reconsideration of that, which had already been submitted to Authority so high in general estimation, but a reference being made to admissions said to have been granted on the Debate, at the time of passing the Act, the Board have taken much pains to ascertain upon what grounds such observations have been introduced, appearing as they do, to have had considerable weight in the consideration of the case.—The investigation of the Records of the Day, has led them to form an opinion of the tendency of the Debates, both in reference to the Words of the Minister of the Crown, as well as to those of Mr. Fox as quoted above are so directly at variance with the allusion made by the Legal Officers, that they conceive these high authorities have been misinformed on this point, or have not had access to the best reports of the Parliamentary Debates; and it is confidently submitted, that when the expressions contained in the Act 31st George



63 VICTORIA, A. 1900

III, both with respect to a Protestant Clergy, and the application of the proceeds of the Clergy Reserves, are duly considered, the only just inference will be, that the clergy of the Church of England alone were in the contemplation of the Legislature, and that they alone are entitled to a participation in Clergy Reserves, in both clauses,—the sole distinction between the rents and profits, and the permanent endowment of Rectories and Parsonages, as the Board conceives, having reference to the infancy or more matured state of settlement of such colony, in the former case an appropriation of rents and profits being authorized for the Clergy in General and in the latter the endowment of a Rectory, with a distinct portion of Glebe.

With respect to the alleged policy and expediency of the measure, it would be unnecessary to dwell upon the many inconveniences that must arise from the acknowledgement of two concurrent established Churches under different forms of Ecclesiastical Administration, in the same Province, and looking to the same source for maintenance with rival claims, rendering it dependent upon a numerical calculation, subject to daily variation whether any particular district should be placed under the Ministrations of a Clergyman of the Church of England, or under those of the Kirk of Scotland.

The inevitable consequences of admitting the pretensions of the Kirk of Scotland in their full extent, must be a renewal of those divisions in Religious sentiments, which had in a great degree subsided before this measure was agitated.

It has frequently happened that persons who in their native Country from Connexion or Education, followed the Presbyterian form of Worship, on settling in a new Country, where they found a Church established, to the principles of which they are not decidedly hostile, have readily embraced the opportunity presented to them of joining in the Service of the Church of England, and thus an uniformity of Religious views has been promoted, which has been productive of many essential benefits in the Establishment of a friendly intercourse, on all subjects of mutual interest, and in a cordial co-operation with the efforts of Government for the improvement of the Colony.

It may not be immaterial to observe as a proof of the considerations paid to vested rights, even in a foreign country and of some importance in a question where there may be an intention to recommend the division of the Clergy Reserves to other objects than those specified in the Act: that Govr. Wentworth at different periods prior to the year 1775 granted to the Society *P.G.F.*, 300 acres of land in each of 200 Townships within the State of Vermont, to be applied under the direction of the Society for the maintenance of the Clergy of the Church of England within the Colony.

After the separation of the United States, the President of Dartmouth College, in the same State (an institution not in connection with the Church of England) petitioned the Assembly of Vermont to grant the Lands for the use of the said College but the Petition was rejected in the year 1785, on the ground that they had already been granted for other purposes.

In the year 1816, the Society upon application to that effect issued a Power of Attorney to the Bishop of Vermont and others to enable them to Act as the Agents of the Society in appealing to the Courts of Judicature for the confirmation of their Title. After a variety of decisions in the inferior courts, an appeal was made to the Supreme Court of the United States, and the question was finally adjudged in that Court in favour of the Society and its Agents. In consequence of this decision the Episcopal Church at Vermont, for whose benefit the Society have assigned over their interest in the said Lands, is now in Actual possession of the Grants, notwithstanding that many individuals had unlawfully intruded upon them, in the interval between the dates of the Grant, and the final decree.

The Ecclesiastical Board have ventured to draw the attention of His Majesty's Gov't to this Detail, as it is not unreasonable to suppose, that grants of this kind formed the precedent though not in exact accordance with the provision made by the 31st Geo III for a Protestant Clergy, showing thereby that the maintenance of a Protestant Episcopal Clergy only the established Clergy of the Colonies was under the consideration of the Gov't of that Date.

It is evident that a Portion of the Report which has reference to the Clergy Reserves, and the tendency of the recommendations connected with them, has been

## SESSIONAL PAPER No. 8c

prepared under the conviction, that an entire reliance may be placed upon the accuracy of these statements which go to prove, that the members of the Church of England constitute only a small minority of the Protestant Inhabitants of the Colony; but as the evidence prepared by the Clergy in the Canadas will easily shew how very incorrect these statements are, the Board entertain a confident hope that His Majesty's Gov't will hesitate to sanction that part of the Report without further Investigation.

The Board are in possession of Petitions from the Episcopal Clergy of Canada addressed to His Majesty, and to both Houses of Parliament; the substance of these Petitions is grounded upon facts authenticated by the signature of a Magistrate, and it remains for the Board to exercise their discretion after communication with the Sec'y of State, whether or not these Petitions be placed in their due course.

To a question addressed to Mr. C. F. Grant, the representative of the claims of the Presbyterians, by the Committee, it is replied, "That the Protestants of Lower Canada may be estimated at 60,000 to 80,000.—"That the Episcopalians form but a small proportion of the Protestant inhabitants.—"That he believes the Presbyterians are more than treble the number of Episcopalians."

In this place it will be proper to observe before the attention of His Majesty's Government is directed to the Returns made by the clergy at the instance of the Ecclesiastical Board, and authenticated by the signature of a magistrate, that the Returns apply only to those districts in Lower Canada which are within the range of the services of an Episcopal Minister, and that of these, two returns are wanting. That such a limitation is essential to ye formation of a correct judgment of the disposition of the people in favour of the Established Church is evident, for where the voice of its ministrations has never been heard, it would be idle to expect any public or extended manifestation of attachment to its forms of worship.

With this observation it will be seen how totally incompatible is the evidence of Mr. F. C. Grant, and the result of the enquiries instituted by the Ecclesiastical Board, which, as before stated, have been authenticated by the signature of a magistrate.

To the first Query addressed to the clergy of Lower Canada, "What is the number of Protestant Inhabitants within the range of your labours," it is replied, 35,595.

To the second Query, "What is ye total No of persons who attend your Preaching in all the different places where you at any time officiate," the reply given is 12,916, the result of which shews, that the Population attending public Worship according to the forms of the Church of England, and, therefore, at least in no ways hostile to the Establishment, with a due allowance for these necessary absent and young children, are considerably more than a moiety of the whole.

The same Examinant replies to a question in reference to a Western District of U. Canada, that one-half of the whole Protestant Population is supposed to be Presbyterian. The Returns from the only two clergymen of the Church of England in the same District, exhibit a list in one case of the whole Population with but two exceptions, and those Methodists, in the other case where the whole Protestant Population amounts only to 745, the congregation is stated to be 410, 70 of these being Soldiers.

In the Bathurst District where the majority of ye Population is said to be Scotch and Presbyterian, the Returns from the only English Clergyman there, give, in the one case, Congregations of considerably more than the fourth part of the *whole*, and a list of seven stations where he officiates;—in a second the amount of the Congregation is not specified though said to be considerable,—and in one station out of eleven it is said there are several hundreds,—and in a third, it is said that the whole body of the Protestant Population conform to the Worship of the Church of England. At Perth according to Mr. Grant there are only 26 Communicants, whereas the Return from the Minister, the Rev. Mr. Harris exhibits a list of 250 and Congregations of 2,158.

In the Midland District the same Examinant Mr. F. C. Grant states that it is supposed that there are about 30,000 Protestant Inhabitants, one third of whom at least are supposed to be attached to the Presbyterian forms of Worship; now in this District there are six Clergymen of the Church of England, independent of the Chaplains of the Army and Navy;—by the Returns from Kingston it appears that there are 461

63 VICTORIA, A. 1900

members of the Kirk of Scotland, including children :—1,039 of various other denominations of Protestants, while the Congregation of the Church of England sometimes approaches to 800. This is one of the few places in Upper Canada where a minister of the Kirk of Scotland is appointed, and consequently the numbers may be supposed to be larger than elsewhere.

At Belleville where the Population is between 4 and 5,000, the Congregation of the Church of England exceeds 1,000.

At the Carrying Place the Congregation forms one half of the whole Protestant Population. From these specimens it would appear, that the Estimates given in Evidence cannot be relied upon.

Even in the Eastern District where the numbers are detailed with a precision, which would lead to the idea of the most accurate investigation, and in a case where it is said no selection has been made to give a more favourable impression of the Nos. of the Presbyterians, there are nevertheless Townships immediately adjoining those mentioned which would exhibit a very different account of the preference said to exist.

In Cornwall for instance the very next township the Congregation that assembles at the Kirk, is at least one half smaller than that of the Church of England; and independent of this there are two other Congregations in the township attended by Mr. Mountain while the Scotch minister officiates only at one place.

Mr. Ryerson (now a Methodist Preacher, and a rejected Candidate for Holy Orders in the Church of England) in his evidence before the Committee quotes the Town of York, Upper Canada, as an instance where the other Denominations of Protestants exceed the Members of the Church of England in a great degree, altho' there are several English Clergymen in that place, whereas the Returns made by Dr. Strachan authenticated by the signature of a Magistrate exhibits the following list.

Presbyterians.....	300
Roman Catholics.....	500
Methodists.....	400 to 600
Baptists.....	55

Congregation at ye Church 1600 to 1800 and only one English clergyman.

The New Castle District is said by the same Examinant to contain 2,000 Presbyterians.

The return from the Rev. J. Thompson gives the following account of the several Townships within reach of his Ministrations :—

Scotch Presbyterians.....	10 Families.
Irish.....	14 Families.
Methodists.....	8 Families.
R. Catholics.....	8 Families.

but nearly the whole attend the church and the children are Baptized by him, the whole population 1,600.

Mr. Grant in his additional observations submitted to the Committee states that the Presbyterians at Quebec are more numerous than ye Episcopalians, but the estimate prepared by Archdeacon Mountain and authenticated by the signature of a magistrate shows the following proposition :—

Members of ye Church of England.....	2,400.
“ Kirk of Scotland.....	1,400.
“ Methodists.....	600.
“ Independents.....	600.

At Rivière du Loup the population is stated by Mr. Grant in the following terms :  
3 Episcopalian Families.

20 Presbyterian Families.

The Revd. I. C. Driscoll reports the whole Protestant Population 408, the congregation 280.

## SESSIONAL PAPER No. 8c

Mr. Nelson estimates the whole Protestant Population of Lower Canada at 50,000 and the Members of the Church of England  $\frac{1}{4}$  of that number; Whereas the Returns prove that of the gross number of 35,595 there are no less than 12,916 who attend the public Worship of the Church of England and allowing  $\frac{1}{4}$  in addition for the children and persons incapable of attending Divine Worship, the number will form nearly  $\frac{1}{2}$  of the whole Population.

In a late communication from the Rev. J. Jackson, missionary at William Henry in the Lower Province, it is said that there is not a single Protestant in the place or neighbourhood that does not conform to the Church; the only exception that did exist was an English Dissenter of recent arrival, whose sentiments were said to be extremely hostile to the Establishment; judging however from appearances they are no longer so, for he attended the last annual letting of Pews; and took one for himself and family, who have since that time been as regular as others.

It would be tedious to enter into an examination of all the misrepresentations contained in the evidence;—the specimens here given are a sufficient proof of the inaccuracy of the statements; there is however one point on which the Ecclesiastical Board would be desirous of giving some explanation.

Considerable stress is laid upon the state of the Niagara District, where it is said that there are five English Clergymen, and that the small number of Episcopalians in that particular District, prove the inefficiency and unpopularity of the Ministrations of such Clergymen, but it is to be observed that of those five, one is so advanced in years, and so broken down by long service, that it has been found necessary to give him an Assistant. And a Second is inflicted (*sic*) with an infirmity which renders him scarcely audible while officiating in his church.

That altho' the Congregation is small in one of the Churches, the Clergyman who officiates in that Church has other Congregations which are sufficiently numerous, and that the scarcity of attendance arises not so much from indifference to the Service as from the inconvenient situation in which the Building has been erected; at considerable distance from the greatest part of the Congregation.

Sir, The Ecclesiastical Board are fearful they have detained you too long and will therefore conclude their observations with these remarks, that altho' they have ventured to give an opinion which they strongly entertain, supported as it has been by the formal and repeated declarations of Professional Men, both in England and in the Provinces, that the exclusive claim of the Episcopal Church is established by reference to every Act of Parliament from the 1st of Elizabeth to the present time, as well as to His Majesty's Instructions to every Gov'r, they would leave with confidence this part of the argument to the wisdom and justice of His Majesty's Government and the renewed consideration of the Legal Advisers of the *Crown*.

The Board are anxious to direct your attention to the evidence of the Rev. Crosbie Moyell.

This Gentleman was Chaplain to the Bishop of Quebec for Three Years; his connection with the Diocese, and the several visitations which were undertaken at that period, have necessarily put him in possession of such a mass of information upon the Religious state of the Country as could not be within the reach of any other Individual.

This direct evidence confirmed by the Returns of the Clergy before alluded to, as well as by the remarks of the Wesleyan Ministers examined before the Committee, give a most satisfactory proof of the erroneous representations that have been made by the present Claimants in order to strengthen their pretensions to a participation in the Clergy Reserves.—The comparative number of the Episcopalians has been palpably stated below its acknowledged Standard, particularly in the Lower Province, where there is reason to believe, that of the Protestant Population it amounts to more than one half.

But the nature of Mr. Moyell's evidence is calculated to make a strong impression of its truth and accuracy; no appearance of exaggeration no wish to make the representation more favourable to the Church of England than the facts of the case will substantiate;—and from hence we may conclude, that whatever might have been the Religious character of the Protestant Population of the Canadas before their Settlement

63 VICTORIA, A. 1900

in the country there exists no visible aversion or hostility to the services of the Church of England ;—and that a large proportion of the Inhabitants finding it acknowledged by the Government of the Country and acceptable to many of the most respectable persons within the Colony, have readily embraced the means of public Worship which have been thus tendered to them.

That such a tendency to union in Religious sentiments will meet the encouragement of Government as far as may be consistent with Law and Equity, the Board are fully persuaded ;—as it may be fairly presumed that a conformity of Religious sentiments, the use of the same forms of Worship and an Education in the principles of the same National faith, cannot fail to prove additional bonds of union and attachment to the connection of the Colonies to the Parent Country.

In conclusion the Ecclesiastical Board requests your attention to a Letter from the Bishop of Quebec dated Feby 22 1828, to their secretary—A copy of which has been left at the Colonial Office wherein his Lordship enters upon the plan which he proposes for doing justice to the claims of the Episcopal Clergy. It is there suggested that the Sec. of State would be pleased to refer the Petition of the Bishop and Clergy to the King, to the House of Commons, with a view to procure the consent of the House to their application to be heard by Counsel on the General Question, previously to any decision upon the Report by the Committee.

The Ecclesiastical Board are desirous of ascertaining your opinion upon this mode of proceeding as in the event of your seeing any decisive objections to it, it appears to them that no other alternative will remain but of presenting the Petitions to the House of Lords and Commons, and leaving them to their sense of justice, for substantiating the claims of the Clergy of the Church of England.

I have the honour to be, sir,  
Your most obedient servant

ANTHONY HAMILTON,

Sir GEORGE MURRAY,  
    &c., &c., &c.

NOTE A.—No. 9.—OBSERVATIONS BY THE LORD BISHOP OF QUEBEC.

(*Archives, Series Q., Vol. 193, p. 164.*)

Observations upon the Clergy Reserves in Lower Canada submitted to His Excellency Sir James Kempt in answer to His Excellency's reference of the Enquiries contained in a Dispatch from His Majesty's Secretary of State for the Colonies.

No. 1 The extent of the Clergy Reserves in Lower Canada may be stated as nearly as possible at 500,000 acres.

With respect to the *value*, I cannot better express my own view of the subject, than in the words of an extract from a document with the sight of which I have been favoured and in which the question is pursued more at large.

This document, the whole of which appears to me to be well worthy of attention, is in a letter from Mr. Cochran, late Secretary to Your Excellency's predecessor in this government, to Mr. Wilmot Horton then Under Secretary of State for the Colonies bearing date March 1826, and a copy of it, I believe, is to be found both in the office of the Civil Secretary here, and that of the Colonial Department at Home.

"The consideration of the great variations in the actual and estimated prices of Lands, the peculiar nature of the transactions which take place in the sale of them and the peculiar condition in which that part of the country has so long been, but from which it is now emerging, forcibly impresses me with the belief that any valuation of the Reserves in any large portion or section of the country, at the present moment, must be felicitous, imaginary and erroneous, if taken as representing the price which ought to be produced by those Reserves on an actual Sale by His Majesty's Government."

## SESSIONAL PAPER No. 2:

No. 2. There appear to be but two possible modes of drawing profit from the Lands, namely by Sale or by Lease, unless the intermediate method suggested in the Report of the Committee of the House of Commons upon the affairs of Canada, be considered in a distinct character as forming a *third*.

The former of these two modes is already provided for to the extent of one fourth of the whole quantity, under the Act passed in the year 1827 by the Imperial Parliament for the purpose. The agent of the Government has accordingly been empowered to proceed with such sales,—but from the small progress which circumstances have permitted him to make in the affair, it would be premature to attempt any calculation approaching to exactness, of the probable amount which will be thus raised.

The Revenue, however, which has hitherto arisen from the sale of the Crown Reserves, the whole of which have been made disposable, and which correspond in almost all respects to the Clergy Lots, may furnish data upon which to found an Estimate of the adequacy of the latter to produce a fund by sale, the interest of which should form a permanent support for the future Protestant clergy of the Province. In all these calculations it must be carried in mind that not *one-half* of the conceded lands of the Lower Province contain any Reserves, such reservation being peculiar to the Lands held in free and common socage; and consequently that the Protestant Clergy resident in that portion of Lower Canada which under the feudal Tenure, and 'these including the Bishop and the Clergy of the cities and the principal Towns, at present a large majority of the whole number' must be supposed to draw their support, if ever the Reserves shall become fully available for their purpose, from the same lands which will be also charged with the maintenance of their Brethren within those limits where the Reserves exist.

It will, it is believed, appear on calculation founded on facts, that the Act of Parliament lately passed is little likely to promote the object of a gradual provision for the support of a Protestant Clergy; or even to attain the ends it seems to propose; it must be premised that as the whole of the Clergy reserves in the Province do not now exceed 500,000 acres, and as the Act of Parliament only authorises the sale of one fourth of the whole quantity or 125,000 acres, and allows the sale in one year of 100,000 acres, the whole of the present body of Reserves might be sold in a year and a quarter if the Act was capable of execution to its full extent; but there is no chance of sales to any such amount taking place, nor of any fund being produced by them at all equal to the purpose in view.

A sale of Land cannot be forced, the supply must be governed by the demand, but in this Province the Crown has already brought into the market a supply beyond the demand in bringing the Crown reserves to sale when there was already a large quantity of the best land in the Province for sale, in the hands of private proprietors, almost at a nominal price.

The result has been such as might have been expected: The Commissioner of Crown Lands has only been able during twelve months to sell reserves and Waste Lands for ready money to the amount of £1,100 and the average price has been 5s. 6d. per acre. But in these sales are included many leased and cultivated reserves which sold at an average of 7s. 6d. per acre; and these, as they are of greater value and few in number compared to the whole amount of reserves, must be left out of the question in a general consideration of the probable produce of the whole; this will reduce the sale of Crown Lands for ready money during that period to £500.

It is clear that if the quantity of Clergy Reserves had been offered for sale, during the same period, the price would have been proportionately depressed: the prospect for the future, if such an attempt is made, is evident.

But, supposing that, while the Crown Lands are thus brought into competition, the sale of the Clergy Reserves could be effected annually to the same extent and the same price as above stated, so as to produce £1,000 per annum, what fund would this produce at all adequate to the purposes contemplated, the support of the Clergy and the improvement of the remaining reserves: the latter object alone could never be effectually promoted by ten times the sum that would accrue from such a sale, so long as it would last, that is, until one-fourth or 125,000 acres were sold.



63 VICTORIA, A. 1900

If the whole 25,000 acres could even be sold within the next 3 or 4 years it is not at all probable they would bring more than 2s. 6d. an acre, or £15,600, which remitted to England at a loss of 10 per cent by the Exchange, with the difference of currency to be still further deducted, will only produce in England an actual capital of about £12,500 sterling, to be invested in the 3 per cents, which would not give an Income sufficient for two Clergymen.

But even this view of the case is too favourable—for as the sales of the Crown Reserves are made for payment of only one fourth down and the remainder in yearly instalments it cannot be expected that the Clergy Reserves can be sold on other Terms, so that even the small capital above mentioned could not be realized for 4 years.

If sales are forced, both the objects of the Act will be defeated, a mere nominal price only will be obtained, affording nothing like a fund for the support of the clergy or the improvement of the residue, and the Lands so sold will fall into the hands of Speculators, and as no conditions of settlement will be attached to the sale, the land will remain a bar to the improvement of the Country.

The alternative which remains is the leasing of the Lands and although circumstances have operated thus far to give a very discouraging aspect to the mode of providing a Fund for the Clergy, and it is unquestionable, that no fund thus raised can for a long time to come, keep pace with the demand for Pastors on the part of the people, yet it is to be observed that a much larger revenue than is actually derived from the reserves might now have been accruing, but for particular causes of retardation which it may be proper to specify. And it will be seen that they are causes, either which have ceased to exist or which there is a prospect of gradually surmounting.

Previously to the existence of the Corporation who commenced their operations in 1819, His Majesty's Government in this Province had not been able to provide in any effectual manner whatever for the management of this property or even the collection of the revenue arising from it. It followed unavoidably that the whole business got into thoroughly bad train, from which it was beginning by little and little to recover, after the Corporation had assumed the management of the lands, when fresh obstructions and difficulties arose.

Under the circumstances of these new countries, it is well known that there can be no very eager demand for land let for a short term of years.

The Corporation therefore were proceeding under the supposed authority of the Act 7 and 8 Geo. IV Ch. 62, which provides that His Majesty's Representative with the consent of the Executive Council may in pursuance of Instructions from Home, "Sell, Alienate and convey in fee simple, or any less estate or interest a part of the said "Clergy Reserves" to solicit the provincial government to procure authority for their giving leave for the prolonged period of 33 years, with two renewals each for the same duration, when they were arrested in their course by learning it to be the opinion of His Majesty's Attorney General for this Province, that this Act gave no such power as they were here about procuring to be exercised.

The consequence has been not only that the parties have been discouraged who were coming forward as tenants, but that their confidence in the good faith of the Corporation has, in many instances, been shaken.

The authority given to Mr. Felton to conduct the sale of that portion of the reserves which is rendered alienable by the above mentioned Act, has also tended materially to interfere with the system as pursued by the Corporation, persons incorrectly informed upon the subject, having circulated a notion that the powers of the Corporation were merged in those of Mr. Felton, at the very time when that body was in treaty with Applicants for Lots, and other persons being withheld from closing with the Corporation as tenants, because they expected to have the opportunity of becoming Proprietors by purchase.

Upon the suggestion of the Committee of the House of Commons, "that it may be well for the Government to consider whether these lands cannot be permanently "alienated, subject to some fixed moderate reserved payment, (either in money or grain "as may be demanded) to arise after the first ten or fifteen years occupation," I will only presume to remark that it appears to me to be not only liable to the same objec-

## SESSIONAL PAPER No. 8c

tions which apply to the system of leasing as proposed by the Corporation namely, that it includes no immediate provision for the maintenance of the Church Establishment from the Reserves, and that even when they would begin to be available for this purpose they would not be adequate to it, but that they *never would become so*, in as much as any estimation now formed of the actual value of these Lands, either as it regards the fee simple or the payment of a permanent rent, would be infinitely below their probable value in future times, which can by no means be anticipated to be too high to render them a fair and respectable provision for the clergy.

No. 3.—I cannot at all hesitate to say that I consider this inconvenience to have been greatly magnified in all the discussions which have taken place upon the subject. Most assuredly those representations have been erroneous which have induced a belief at home that the reserves are the greatest of the existing obstacles to the settlement and improvement of the country. The large Tracts of land held by non-resident Proprietors and left in a state of nature present an obstruction decidedly of a more injurious character.—I believe also that it will be admitted by impartial persons that the absolute want of adaptation in the road-laws to the more newly settled portions of the Province constitutes more of the real difficulty than the interposition of the Reserves.

Many of the Arguments used in treating this subject appear to involve an assumption that if these Lands had not been set aside, the way would be wholly smoothed to the Settler and no similar obstacle whatever would exist, whereas on the contrary, it is manifest that, in new countries, the work of clearing and improving must in any circumstances, proceed by degrees—the whole Country cannot be improved at once, and the Settler must always be exposed more or less to the inconvenience of having wild lands adjacent to him. The utmost that can be said with respect to the increase of inconvenience to which he is subjected by the Reserves is that, if the terms upon which they are to be had are not attractive, he is then *so far* restricted in the range of his choice, and that, *so far* therefore, there is the less encouragement for the general settlement of the Country :—

It is an opinion entertained in some respectable quarters that the mode of allotting the Clergy Lands which has been partially practised in some of the more newly surveyed Townships, in a block, tends to diminish the objections alleged to exist against these reservations, but I believe that the persons best informed and most experienced upon the subject, are persuaded, on the contrary, that at least equal and perhaps preponderating difficulties result from the continuous barrier presented by such an allotment of the lands if left unimproved, and that the inconveniences, whatever they are of the Reserves, are more equally distributed among the population according to the present system.

Upon this part of the subject I would take the liberty of observing that I do not see how it is possible to contemplate any provision in whatever Country, for perpetuating the regular administration of the word and ordinances of God, which will not cause some deduction from the temporal advantages of the Inhabitants who are to benefit by such administration. That the people in this Province would be exempted from some inconveniences by a different disposal of the Clergy Reserves, is not to be denied ; but, I would respectfully submit that the highest blessings are not to be secured without some little answerable sacrifice, and that unless it can be shown that the sacrifice exacted is out of due proportion, or that the object may be obtained in another way, without prejudice to the just Interests of any party concerned, the existence of the burden imposed upon the Country may be confessed without being complained of.

No. 4. Notwithstanding what I have just said under the foregoing head, I should most cordially concur, both with the view of allaying the irritation which has been excited upon the subject, and of meeting more simply and readily the spiritual wants of the people, in any plan which could be devised in lieu of the Reserves to provide securely and efficiently for the interests of the Protestant Religion in the Diocese.

But none occurs at present to my mind which I can hope to find regarded, under existing circumstances, as feasible. The only mode of effecting the object which I can conceive, is the substitution of a grant of money in exchange for the Reserves, so framed and secured as to provide in perpetuity for the maintenance of the Clergy in a decent and respectable but moderate manner (for this is all that the Church contends for)

63 VICTORIA, A. 1900

as the wants of the people advance not, however, upon an unlimited scale, but establishing certain conditions to constitute the proper grounds for the formation of every new cure, and perhaps fixing a certain number of Clergy as the Maximum within a certain extent of Country. This grant must proceed from His Majesty's Government or from the provincial Parliament, as the surrender of the Reserves should respectively be made to the Crown or to the Province.

No. 5. The information which I subjoin upon this part of the Enquiries is abstracted from the returns of my Clergy to a set of printed questions, a blank copy of which is annexed in order that Your Excellency may see the manner in which it was provided that their answer should be confirmed.

The statement here given is the aggregate of the answers to questions Nos. 9, 12 and 13. But I must not be understood to submit it to Your Excellency as conveying any other than very loose and imperfect information. It may indeed, as far as it goes, furnish some fair general idea of the relative proportions of the different Protestant Religious Bodies within the Province, but independently of there being some tracts of Country which it does not include, as comprising at present no Station of our Clergy, the very undefined limits of some of the Missions, the different acceptance in which some of the questions appear to have been regarded by different clergymen, the variety of the data upon which they have founded their calculations, and the difficulty, in many cases, of ascertaining the facts relating to other denominations, render it necessary that I should explicitly declare that I am no further answerable for its accuracy than as I am convinced that my Clergy, as a body, have faithfully done their best.

Church of England.....	14,750
Presbyterians, including both the Church of Scotland and the American Congregationalists, with others who come under their general term.....	5,547
Methodists.....	2,182
Baptists.....	589

Besides these there are stated to be 5,739 persons who fall under the general name of *Protestant*, but have never attached themselves to any particular denomination.

With reference to the number of Methodists in the above statement, it should be remarked, that there are Methodist stations out of the usual range of the Church Clergy, and I have reason to know that the number if taken to *include families* is considerable larger. In 1826 there were upwards of 1,500 Methodists in the *connection*, in Lower Canada, and, although in a *strict* acceptance *no others* are *Methodists*, yet these being all *communicants*, the number of persons who in a loose sense are attached to that communion must be greater than 2182, & the number attending the Methodist preachers greater still.

It is proper to observe, that the result of the answers to Question No. 1 exceeds by nearly 8,000 the total here stated as the result of answers Nos. 9, 12 & 13, which of itself shows that some of the clergy have included persons probably children in the former instance whom they have not considered to have been contemplated in the latter.

C. J., Quebec.

NOTE A—No. 10—UNDER COLONIAL SECRETARY TO DR. MEARNS.

(Archives Series A, Volume 174-2, p. 334.)

REV. DR. MEARNS.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your letter of the 21st of May ult. transmitting to His Lordship a Memorial relating to the situation of the Presbyterian Clergy in the British American Provinces and containing answers to certain Queries which had been submitted to you by this Department and I am

## SESSIONAL PAPER No. 8c

directed by His Lordship to inform you that whenever a Congregation in any of those Provinces shall have erected a suitable place of Worship and be prepared to acknowledge the jurisdiction of the Church of Scotland and to contribute according to their means, towards the maintenance of a Minister—upon their presenting a Memorial to the Governor in Council the Governor will have received His Majesty's Commands authorizing him upon being duly satisfied of the correctness of the application to contribute to the support of the clergyman in such proportion as, together with the contribution of the parties presenting the Memorial may be sufficient to afford him a competent maintenance; such contributions however being necessarily limited by the funds which it may be in the power of the Crown to appropriate to such purpose and by the other claims which may exist upon those funds.

## NOTE A—No. 11—CHURCH OF SCOTLAND TO LORD BATHURST.

(*Archives, Series Q, Volume 174-2, p. 326.*)

Memorial of a Committee of the General Assembly of the Church of Scotland to the Right Honourable Earl Bathurst, K.G., His Majesty's Principal Secretary of State, &c.

The Memorialists beg leave to state, that in the Capacity of a Committee of the General Assembly of the Church of Scotland, they were appointed to inquire into the condition of the Presbyterian Clergy and people of the British American Provinces as described in a Petition presented by them in the General Assembly; and were subsequently instructed to support by all proper means in their power the applications made to Government for their relief; And that they transmitted to the Right Honourable the Secretary of State for Colonial Affairs a Memorial on the subject to which His Lordship was pleased to return an answer desiring that the Committee would furnish more specific information on the following points:—

1. As to the Situation throughout the whole of the North American Provinces where the inconveniences arising from the want of Religious Worship and instructions are particularly felt, by the Presbyterians—and where the Memorialists would consider it desirable that additional Clergymen should be situated.

2. As to the number of regular Presbyterian Clergymen whose services are considered necessary by the Memorialists.

3. As to the amount of the Annual stipend which in their opinion would be sufficient to secure services of suitable Ministers.

4. Whether it is probable that any Society will be established in Scotland on a similar principle to that of the Society for the propagation of the Gospel in England for the purpose of contributing pecuniary Funds for the accomplishment of this purpose considered so desirable by the General Assembly of the Church of Scotland.

1. In regard to these points the Memorialists having now had the means of verifying and extending the information formerly received, beg leave to state, that while in the Eastern part of the Province of Upper Canada there are at present no more than four Presbyterian Clergymen, who have received orders from the Church of Scotland and are settled at Williamston, Lochiel, Kingston, and Cornwall—there is not one Clergyman holding orders from that Church resident above Kingston where is a settled Territory extending about 600 miles. Throughout the District of Gore, comprehending a widely scattered population of 7 to 8000, chiefly Presbyterian and attached to that form of Worship, the most serious inconveniences are felt; there not being at the time the last accounts from that quarter reached your Memorialists, a single Presbyterian Minister of any Denomination, resident in the District.

The District of Niagara, also, containing a population of 8 to 10,000, two thirds of whom have been educated Presbyterians, is in most parts in a state of great destitution.

63 VICTORIA, A. 1900

The Settlements of Grimsby and Clinton, Barton, the Purchase, Belville, Port Hope &c. &c. have been mentioned as stations where the Services of Presbyterian Clergymen are much wanted and earnestly desired.

### LOWER CANADA.

In the neighbourhood of Montreal the want of Presbyterian Clergymen is felt in the following Settlements. Mount Johnston, La Prairie, La Chine, New Glasgow River Duchene, Beauharnois, St. Rose and St. Therese, New Paisley and in several rising Settlements, consisting in part of Presbyterians, tho' chiefly of Roman Catholics in the neighbourhood of Quebec with one lower down the St. Lawrence consisting of 60 Presbyterian families, having access to the Ministrations of no clergyman of their own persuasion.

### NOVA SCOTIA AND NEW BRUNSWICK.

there are presently 8 Clergymen, Ordained by the Church of Scotland, several of them possessing very limited and uncertain Incomes, and laboriously extending their services over vast districts—

The following Settlements consisting of from 60 to 200 families each, are still destitute, several in such circumstances as to be able to furnish little or no aid in support of a Clergyman—and in all of them (with the exception of two or three) and as in several districts of Upper Canada, it would be desirable to obtain the services of a Clergyman possessing a knowledge of the Gaelic language :—Porter's Lake (near Halifax), Londonderry, Ramshig Talmugoul, River John and Cape John, Mount Ephraim and Mount Dalhousie ; Upper Settlement of the East River, Pietou, Morigowick, and Barnes River, Manchester and Gay's Borough. In the Island of Cape Briton 6 districts, Sydney, Gut of Canso and River Lnhabitant, Northwest Arm, Braidon Watch and Merigo Watch &c. &c. &c.—

In Prince Edward Island, nearly 20.000 Presbyterians, very inadequately supplied ; In New Brunswick, the Memorialists know that Clergymen are wanted in several districts, but their information is less precise respecting the division of the Province.

II. As to the number of Presbyterian clergymen necessary to supply the wants of those Provinces, the Memorialists can have no hesitation in stating that in addition to the four already settled in Upper Canada the services of at least ten others are required, while for the Lower Province half that number, in aid of the three officiating there, might at present suffice :—

In Nova Scotia no less an additional number appears to be requisite than for the Upper Province. In the present state of those Provinces, the Memorialists are of opinion, that some part of the Clergy whose services are now required, ought not to be stationary, but ought to divide their services among several adjoining Settlements or Districts.

III. With respect to the Amount of the Annual Stipend which would be sufficient to secure the services of suitable Ministers, the Memorialists are of opinion, that as in most situations a moderate sum might be expected to be raised by the people, such allowances might be found sufficient as are already paid by the British and the Provincial Governments to five or six Presbyterian Clergymen of those Provinces—that is from £50 to £100 per annum. In Towns and populous Districts wherever the charge embraces a population of 1500 and upwards, the allowance to be £100, and in others from £50 to £100, apportioned with reference to the extent of the population and the degree of labour and expense, to which from the nature and extent of the district or districts composing his charge the Clergyman is subjected.

IV. With regard to the fourth point the Memorialists feel some hesitation in giving an opinion. But if it should be in the Contemplation of His Majesty's Government to make a grant for the purpose of furnishing the means of Religious Instruction to the Presbyterians of those Provinces, through some such channel as that of the English

## SESSIONAL PAPER No. 8c

Society alluded to, did any such exist in Scotland, the Memorialists would, with all possible deference, suggest, that as the Donation of £2,000 called the Royal Bounty, which is annually given by His Majesty for the purpose of propagating the Gospel in the Highlands and Islands of Scotland and which is employed for the support of Missionary Clergymen in those Districts, is administered by a Body of Clergymen and Elders of the Church of Scotland, annually appointed by and accountable for their Actings to the General Assembly—it appears to the Memorialists that were such a grant as is now the subject of their humble but earnest solicitation to be resolved on; His Majesty's Government by directing to be employed under authority of a body similarly constituted, would obtain at once as full security for the faithful application of the grant, and the good conduct of the Clergymen supported by it, as by any other method of appropriation.

Signed in name and by appointment of the Committee of the General Assembly of the Church of Scotland, by

D. MEARNS,  
*Convener.*

## NOTE A.—No. 12.—MEETING IN UPPER CANADA RESPECTING RESERVES.

(*Archives, Series Q., volume 358-3, p. 561.*)

At a meeting of Friends of Religious Liberty residing in the Town of York and its vicinity, held, pursuant to notice, in the First Presbyterian Church, York, on Friday the Tenth day of December, 1830, to consider of the propriety of addressing the Imperial Parliament by petition, concerning the appropriation of the Clergy Reserves, General Education, and the enjoyment of equal religious privileges by all classes of His Majesty's subjects, Robert Baldwin, Esquire, was called to the Chair, and the Reverend William Smith appointed to act as Secretary.

Dr. Morrison moved the adoption of the following resolution:

*Resolved*—That it is expedient to address the House of Commons, by petition, requesting that Honourable body to take the subject of promoting religion and education in Upper Canada, into their most serious consideration; praying that Honourable House to take such steps as may be within its constitutional powers, that the Ministers of all denominations of Christians may be left to be supported by the people among whom they labour, and by benevolent societies in Canada and Great Britain—that all political distinctions on account of religious faith be done away—that all Ministers of religion be removed from all places of political power in the Government—that there be granted to the Clergy of all denominations of Christians the enjoyment of equal rights and privileges, in everything that appertains to them as subjects of the British Empire, and as Ministers of the Gospel, particularly the rights of solemnizing matrimony, of which many of them have been long deprived contrary to the wish of the people of this Province as expressed by the repeated and unanimous votes of the House of Assembly—that the Charter of King's College be modified so as to exclude all sectarian tests and preferences—and that the proceeds of the sale of lands heretofore set apart for the support of a protestant clergy, be appropriated to the purpose of general education and various internal improvements.

The resolution having been seconded, was put from the Chair and unanimously adopted.

That the following Petition to the Imperial Parliament be adopted—see No. 13.

*Ordered*—That Messrs. Ryerson and Ketchum be a committee to prepare the draft of a petition conformable to the above resolution—

Mr. Ryerson, from the Committee appointed to prepare the draft of a petition conformable to the resolution of the meeting, reported accordingly.

The Petition was read: and on the question of its adoption having been put from the chair, was unanimously agreed to.



63 VICTORIA, A. 1900

Dr. Morrison then moved the adoption of the following resolution.

*Resolved*—That a Standing Committee be appointed to receive signatures to the petition; to forward it to London to be presented to the House of Commons by Joseph Hume, Esquire; to appoint and instruct a fit and discreet person to act as agent on behalf of the petitioners in England; and take such other steps as to them shall appear to be expedient, in order to obtain the accomplishment of the objects prayed for in the Petition. That the said Committee be authorized to correspond with the committees of other meetings or associations having the same objects in view throughout the province; and that the said committee have power from time to time to add to their number, any five of them being a quorum.

The resolution, having been seconded, was put from the chair and unanimously adopted.

*Ordered*—That the following gentlemen do compose the Committee with power to add to their number viz:—

The Rev. William Smith, The Rev. Egerton Ryerson, The Rev. William Jenkins, William Warren Baldwin, Esq., Joseph Cawthra, Esq., Jesse Ketchum, Esq., M.P., Mr. Thomas Stoyell, Robert Baldwin, Esq., Mr. James Rogers Armstrong, Dr. Thomas D. Morrison, M.D., Mr. Edward Thomson, Mr. Charles Mackintosh, William L. Mackenzie, Esq., M.P., Mr. Lardner Bostwick, Mr. James Lesslie, Mr. William P. Patrick, Mr. Collin Drummond, Mr. Matthew Walton, Mr. Jacob Latham, Mr. Malcolm McLellan, Dr. John Edward Tims, M.D., Mr. John Mackintosh, Mr. Thomas Vaux.

NOTE A.—No. 13.—PETITION RESPECTING CLERGY RESERVES.

(*Archives Series Q., Vol. 358-3, p. 546.*)

To the Honourable the Knights, Citizens and Burgesses, representing the Commons of the United Kingdom of Great Britain and Ireland in Parliament Assembled:—

The Petition of His Majesty's faithful subjects the undersigned inhabitants of the Province of Upper Canada, in British North America.—

Humbly Sheweth,

That your petitioners, addressed your honourable house about three years since, on subjects indispensably connected with the vital interests of your petitioners, their children, and the province at large, namely, the erection of a Protestant Episcopal Church into a dominant church and the establishment of a partial, unsuitable, and oppressive system of education.

Your petitioners feel grateful for the attention shown to their just and dutiful remonstrances, and the measures recommended by a committee of your honourable house for the removal of those evils of which your petitioners then complained, and the introduction into this country of that equitable system of religion and education, so essential to its permanent tranquillity, prosperity and happiness.

But your petitioners deeply regret to perceive, that whilst their humble petition was graciously received, the justness of the remonstrances acknowledged, the redress of their grievances recommended and assurances held out that the wishes of His Majesty's subjects should be fully consulted on all matters which related to their local interests—that no effectual public measures have been yet taken to terminate a system, which if fostered and obstinately adhered to, must, in its ultimate consequences, prove ruinous to this province as a portion of the British Empire.

Emboldened by the tender regard which your honourable house has heretofore expressed and manifested for the welfare of every class of His Majesty's subjects in this province, your petitioners again lay their case before you, confident that when the true state of the province is known to your honourable house, the representations, which are

## SESSIONAL PAPER No. 8c

secretly made to His Majesty's Government, and which shun the light of public investigation in the Colony will no longer be listened to; and that monopolies which exalt and enrich a few at the expense of the province will be forever put down.

Your petitioners cannot disguise their opinion, that any kind of ecclesiastical establishment situated as this province is, is essentially anti-christian and baneful to every interest of humanity. If any church were to be erected into a dominant Church in this province, your petitioners would quite as soon that dominant Church should be the Church of England as any other, from the comparative moderation with which that Church has exercised its political power in Great Britain for the last century; but whatever reasons may exist for such an ecclesiastical establishment in Great Britain, your petitioners are persuaded that such or any good reasons do not apply to this province; and the lately contemplated project of establishing two churches instead of one with peculiar immunities and prerogatives, is only, in the opinion of your petitioners, doubling, instead of lessening the evil. In support of this their earnest belief, your petitioners beg leave to submit a few reasons.

1st As is well known to your honourable house, two things are necessary in the state of the population to the establishment of any one or more forms of religion—first, that such form or forms of religion be professed by a majority of the population; and secondly, that a majority of the population be in favour of the establishment of such form or forms of religion. Neither of these essential requisites is to be found in this province.

In the words of the "Select Committee on the Civil Government of Canada," appointed by your honourable house in 1828, "it is certain that the adherents of the Church of England constitute but a small minority in the Province of Upper Canada," and "neither the adherents of the Church of England nor those of the Church of Scotland form the most numerous body in the province of Upper Canada;" and nothing is more repugnant to the feelings and principles of a very large majority of the population of this province, than the establishment of any one or more forms of religion with peculiar endowments and privileges. To establish both of these points, the most abundant proof may be adduced; but your petitioners will only mention the fact, that the Parliament of this Province, a considerable portion of which, has always consisted of members of the Church of England, has successively decided, and by almost unanimous votes, that the Members of the Church of England constituted but a small minority of the population, and that the establishment of any Church in the province with peculiar immunities would be impolitic, unjust and cruel.

Your petitioners beg also to refer your honourable house to the report of select committee on the petitions of different denominations of Christians appointed by the Provincial Parliament in 1828, in which report your honourable house will find a mass of evidence given by different religious and political parties, whereby it may be clearly ascertained that a very large majority of the population of this province are decidedly and conscientiously opposed to anything like one or more dominant churches.

It is worthy of remark that the advocates for erecting a dominant Church have always been opposed to the expression of any public opinion on this subject, and have with all possible caution avoided any investigation of their claims or measures, hoping by private representations to His Majesty's Government to procure the permanent establishment of a system which is deprecated by the great body of the population and highly detrimental to the peace and prosperity of the Province.

2nd. The Clergy reserve lands of this Province have been brought from a nominal to a real and rapidly increasing value by the labour, industry and enterprise of the population generally; and to appropriate the avails of these lands to the support of the clergy of a minor church or churches, will be converting the labours of the many to the undeserved aggrandizement of a few.

3rd. The other denominations of Christians in this Province stand in a very different relation to the Churches of England and Scotland, from what they do in Great Britain. In Great Britain the Churches of England and Scotland embraced a large Majority of the population of the United Kingdom, and were established by law before many of the dissenting denominations were known in the empire. But in Upper

63 VICTORIA, A. 1900

Canada these Churches are of a much more recent date than several other Christian denominations who have received no assistance or encouragement from the local government and whose Ministers have, in some instances, been treated with great severity, and have been uniformly denied the rights and privileges which the Provincial Assembly have repeatedly recognized and sought to obtain for them.

According to the reports of the society for the propagation of Christian knowledge in foreign parts, there were only five clergymen of the Church of England in Canada during the late war with the United States, and their number has not amounted to twenty until within a few weeks past. And the Honourable and Venerable Dr. Strachan stated in a printed discourse on the death of the late Bishop of Quebec, as also in an appeal to the friends of religion and literature in Great Britain, published in 1827, that "the benefits of the ecclesiastical establishment of England are little known or felt in Upper Canada". There are at the present time but eleven or twelve clergymen belonging to the Church of Scotland, and there was only one Minister of that Church settled in the whole Province before the year 1818.

But the ministers of several other denominations accompanied the first influx of emigration into Upper Canada, and have largely shared the hardships, privations and sufferings incident to Ministers and Missionaries in a new Country, who have no other dependence for their support than the voluntary Contributions of their Scattered flocks. And it is through the instrumentality of their unwearied and successful labours that the mass of the population of Upper Canada have been mainly supplied with religious instruction. They therefore do not stand in the relation of dissenters from either the Church of England or of Scotland but are ministers of distinct and independent Churches who had numerous congregations in various parts of the Province before the ministerial labours of any Ecclesiastical Establishment were, to any considerable extent, known or felt. Your petitioners therefore, cannot but view it as a case of peculiar hardships that those who have borne the burden and heat of the day should be treated with contemptuous neglect, whilst others who enter, at the eleventh hour the measurably cultivated vineyard, are enriched with large Parliamentary grants of money and one seventh of the landed property of the Province, besides the monopoly of vast resources for the purpose of education.

This partial distribution of the Royal Munificence strikes more directly at the rights and interests and wounds more deeply the feelings of the most numerous denominations of Christians in the Province, from the circumstance that the plea made to His Majesty's government by the Episcopal Clergy and their Agents, is that it will enable them to exterminate all other Christian denominations and ultimately bring the whole population into the communion of the Ecclesiastical Establishment. Under such circumstances, your petitioners cannot but view the appropriations made to the Episcopal Church as powerful weapons, unjustly put into the hands of one class of persons, to carry on a proselyting warfare against the conscientious opinions and civil liberties of other numerous and equally loyal and deserving classes of His Majesty's Subjects.

A liberal and equitable system of Education your petitioners consider of equal importance to the well-being of this Province with a just and wise policy in respect to religion. And they regret to have it to say that the Charter of King's College has as yet undergone no modification, and that the principles on which it is established are incompatible with the state of public opinion and unsuitable to the circumstances of the people.

Your petitioners feel persuaded, that nothing would contribute more to the tranquillity of Upper Canada—the removal of injurious jealousies, the provoking of a fair and generous emulation among all classes of his Majesty's Subjects—the promotion of a spirit of general enterprise—and the strengthening of an increased attachment to the Imperial Government, than equality of privileges and immunities among all Christian denominations, and a system of education under the control of the Provincial Legislature, with Schools and Colleges in which there should be no preference of sectarian tenets or interests and whose portals and honours would be equally accessible to meritorious industry of every religious creed.

## SESSIONAL PAPER No. 8c

According to the present distribution of the clergy and a large portion of the Crown lands, your petitioners consider there is just cause of complaint and alarm. In a letter addressed by the Honourable and Venerable Dr. Strachan, to the Right Honourable R. J. W. Horton, dated Downing Street May 22, 1827, the author after making every deduction that his well known ingenuity rendered him so capable of doing, has estimated one seventh of the arable lands of the Province at 3,760,000 acres, and the annual revenue arising from said lands for a century to come at £376,000 or one million five hundred and four thousand dollars. The real estate of which this sum is acknowledged to be the probable annual rent for the first century, is placed at the disposal of a body of men, irresponsible to the Colonial Legislature consisting, at the present time of between fifty and sixty persons. It cannot be denied that such a monopoly in the hands of any body of men, whatever may be the characteristic liberality of their sentiments, is inimical to the interests of any Government, and alarmingly dangerous to the liberties of any people.

In addition to one seventh of the Province, a grant of 225,944 acres of the Crown Lands has been made to endow King's College established at York U.C., and an annual sum from the Imperial government of £1,000 for sixteen years. The College Council have passed an order to dispose of none of this land for less than four dollars per acre, and much of it has been sold for a higher rate. According to this valuation, this single grant amounts to upwards of £200,000 or between eight and nine hundred thousand dollars, besides the annual appropriation of one thousand pounds for sixteen years. The terms of the charter place this munificent endowment also under the control of the Clergy of the Church of England, as also the entire government of the college.

When therefore, it is considered, that there are nearly three millions of acres of clergy reserve lands in the Province, which have been and still are a very serious obstacle to the improvement of the country; that they are a most dangerous monopoly in the hands of a few individuals, that experience has shown that such appropriations are not likely to be of any religious advantage to the Church of England itself in Upper Canada; that the Ministers of other denominations have laboured more extensively to improve the moral condition of the Province than the Clergy of the Church of England; that the members of the several Christian denominations are equally loyal with the members of the Episcopal Church, and are equally deserving of the gracious consideration of His Majesty's government; that hereby unjust and improper political distinctions are recognized, which are fraught with endless dissatisfactions, and which must ever mar the happiness of the Province, as long as they are sanctioned by the Executive Government; the funds arising from the sale of the clergy lands might be converted from a worse than useless purpose to the promotion of various and important internal improvements; and that the charter and endowments of King's College are partial and exclusive. Your petitioners cannot but remonstrate against the manifest injustice, impolicy, and evil of thus appropriating so large a portion of the Province and of making such invidious distinctions on account of religious opinions.

In this opinion your petitioners have reason to believe a great portion of the members of the Church of England participate in the Parliament, eighteen members of which Rev. Dr. Strachan stated in the above mentioned letters to the Right Honourable R. J. W. Horton, were members of the Church of England, only three were found in favour of the present application of the Clergy reserves. If these eighteen chosen members of the House of Assembly by the people, may be considered as fairly representing the sentiments of the members of the Church of England on this subject, it will be found that five out of six are opposed to giving their Clergy any political advantages over the ministers of other Christian denominations.

May it therefore please your Honourable House, to take the subject of promoting religion and education in Upper Canada into your most serious consideration, to take such steps as may be within the constitutional powers of your Honourable House to leave the Ministers of all denominations of Christians to be supported by the people among whom they labour, and by the voluntary contribution of benevolent Societies in Canada and Great Britain, to do away with all political distinctions on account of religious faith, to remove all ministers of religion from seats and places of political power

63 VICTORIA, A. 1900

in the Provincial Government, to grant to the Clergy of all denominations of Christians the enjoyment of equal rights and privileges in everything that appertains to them as subjects of His Majesty's Government, and as Ministers of the Gospel, particularly the right of solemnizing matrimony of which many of them have been deprived contrary to the repeated and unanimous votes of the House of Assembly, to modify the Charter of King's College established at York in Upper Canada so as to exclude all sectarian tests and preferences and to appropriate the proceeds of the sale of lands heretofore set apart for the support of a Protestant Clergy, to the purposes of general education and various internal improvements.

And your petitioners as in duty bound will ever pray.

Signed by 10,000 and upwards Inhabitants of the Province.

NOTE A.—No. 14.—COMMITTEE MEETING, MARCH 1ST, 1831.

(*Archives, Series Q, Volume 358-3, page 560.*)

Resolved,—That it is expedient to facilitate the interests of the Petitioners to have an Agent accompany the petition of the People of this Province to the Honourable House of Commons.

Resolved,—That George Ryerson, Esquire, be employed as Agent in behalf of the Petitioners, and that he be instructed to proceed to London with the Petition to be presented to the Honourable House of Commons by Joseph Hume, Esquire, and to give every information in his power, that will promote the interests of the petitioners.

Resolved,—That the Secretaries do furnish Mr. Ryerson with all necessary instructions and documents or a Copy of the above resolutions.

W. W. BALDWIN,

Chairman of the Committee.

T. D. MORRISON, } Sectys.  
WILLIAM SMITH, }

NOTE A.—No. 15.—PETITION FROM THE METHODIST CHURCH.

(*Archives, Series Q, Vol. 357-2, p. 219.*)

To the King's Most Excellent Majesty.  
Most Gracious Sovereign.

The memorial of the President and Itinerant Ministers of the Methodist Episcopal Church in Canada assembled in Conference

Most humbly sheweth :

That your Memorialists have read with pain a Copy of a petition purporting to be from the Bishop and Clergy of the Diocese of Quebec, lately forwarded from this Province to be presented to Your Majesty by the Lord Bishop of Quebec, in which the motives, character and conduct of your Memorialists are represented in a false and prejudicial light and the state of public opinion respecting the Claims of the Episcopal Clergy to the Clergy Reserve Lands in this province, is, by intelligible and strong intimations, stated to be quite different from what it really is. Your Memorialists regret the occasion of addressing Your Majesty on the topics brought forward in the petitions of the Episcopal Clergy. They consider that points of difference, not affecting the essential principles of the Christian faith, but of merely prudential considerations, ought not to destroy or interrupt the exercises of Christian Friendship and mutual good will among different classes of Christian Ministers, whose avowed object is to impart to man-

## SESSIONAL PAPER No. 8c

kind the instructions and blessings of a common gospel. But your Memorialists conceive that for them under present circumstances to remain any longer silent either as to statements and insinuations which relate to themselves or to the general question of a Church Establishment in Upper Canada, would be a dereliction of duty to Your Majesty, to themselves and to the religious interests of the Province, for the improvement and happiness of which and its undisturbed continuance under your Majesty's beneficent Government, Your Memorialists deem it alike their duty and privilege to pray and labour. In the petition of the Episcopal Clergy, a Copy of which, as published in the Provincial Newspapers is hereunto annexed marked A,—Your Memorialists are represented as the principal promoters of a certain "Petition praying the Imperial Parliament to authorize the appropriation of the proceeds of the sale of lands heretofore set apart for the support of a Protestant Clergy, for the purpose of general Education and various internal improvements." The obvious intention of this statement taken in connection with other statements in the petition of the Episcopal Clergy, is to impress upon Your Majesty's mind that the "Methodist Itinerant and Local Preachers" and a small portion of the uninformed part of the population in Upper Canada, are the only persons opposed to the claims of the Episcopal Clergy.

That such a representation is altogether gratuitous is clearly evident from the fact, that the claims of the Episcopal Clergy, have been resisted every year for several years past, by nearly unanimous votes of the Provincial Parliament, not more than four or five Members of which have at any time belonged to the Methodist Church but a large majority of which have professedly belonged to the Episcopal and other Churches. It is a notorious fact, that so decidedly and generally are the people of this province in favour of the prayer of the Petition to the Imperial Parliament referred to by the Episcopal Clergy, that the Provincial House of Commons passed resolutions corresponding with the prayer of the Petition only a few days before the Lord Bishop of Quebec left the Colony for England:—resolutions which accorded with what had been repeatedly adopted on the same subject by two preceding Parliaments. Your Memorialists consider it of no consequence to the general question, who were the most active promoters of the petition to the Imperial Parliament, seeing that the promoters of that petition only exercised an individual right guaranteed by our constitution. But that others felt a deep interest in the objects of the petition to the Imperial Parliament, and men active in promoting its circulation is manifest from the annexed copy of a letter marked B, written by a leading Minister of the Baptist Church whose peregrinations have extended over a large portion of the Province. Many testimonies to the same effect might be added did your Memorialists consider them necessary or any wise important. The Episcopal Clergy represent your memorialists as, "for the most part obtaining their ordinations in the United States, and having no connection with or dependence upon the Methodist connexion in England, or upon any religious body within the British realms." From the manner in which the Episcopal Clergy express themselves, they clearly intend to excite a belief or suspicion in Your Majesty's mind, that the Methodist denomination in the Upper Province maintain some foreign connection which renders their fidelity to Your Majesty's Government at least somewhat questionable. How far such insinuations are well founded or warrantable, either in fact or in principle Your Majesty will be able to judge from the authentic and correct evidence attached to the annexed Report of a select Committee of the Provincial Parliament marked C.; A Report which was printed by order of the Parliament only a few weeks before the Lord Bishop of Quebec embarked for England with the petitions containing statements and insinuations so groundless and injurious to the character and interests of your Memorialists. Most pernicious representations to the great prejudice of your Memorialists, were made by the heads of the Episcopal Clergy in Canada to the Government of Your Majesty's late Royal Brother, their late revered Sovereign, but it has been hoped that the exposure of these misrepresentations before a Select Committee of the Imperial House of Commons on the Civil Government of Canada and especially the ample and complete refutation of them before a select Committee of the Provincial Parliament, as contained in its Journals of 1828-9 would have prevented the recurrence of what is so gratuitous in itself and so greatly at variance with the Christian law of Justice between every man



63 VICTORIA, A. 1900

and his neighbour. The Episcopal Clergy state that "the support of the various dissenting sects was for a time given to the exertions of the Church of Scotland" as claiming to a joint establishment with the Church of England; this statement Your Memorialists apprehend is not borne out by the evidence of fact, and they solemnly declare, that as far as they are concerned, it is contrary to fact. It is true that *some* who now countenance the claims of the Kirk Clergy, formerly united with others against the pretensions of the Episcopal Clergy; but never did your Memorialists, or to their knowledge, any "dissenting sect" give any more support to the claims of the Kirk Clergy to this pre-eminence than to those of the Episcopal Clergy. As the Communicants of either the Church of England or Scotland, or both, are less numerous than those belonging to some other denominations of Christians separately taken, your Memorialists do consider and have always considered the exclusive claims of both the Episcopal and Kirk Clergy to pre-eminence to be alike unreasonable.

In the petition to the Imperial Parliament to the promotion of which your Memorialists are represented as having mainly contributed, no false or disingenuous insinuations were thrown out against the Episcopal Clergy; but on the contrary, they were referred to in terms the most respectful and courteous that the nature of the subject would admit and your Memorialists can only account for so different a course on the part of the Episcopal Clergy from the fact, that it has uniformly been a principal feature in the representations and measures of the advocates of a Church Establishment in Canada and seems to be the natural result of their extravagant pretensions. The Episcopal Clergy state their conviction that the "agitation" of this question in the Colony is "impolitic and injurious to religion."

But it is worthy of remark that, the "agitation" of this question was commenced by the Archdeacon of York, who made and repeated the most uncalled for attacks upon, and the most flagrant misrepresentation of the Methodist and other Christian denominations. The Archdeacon of York was afterwards followed by the Lord Bishop of Quebec who strongly "agitated" the question in a printed pastoral Letter to the Clergy of the Diocese of Quebec, and the Claims of the Episcopal Clergy have been as fully advocated in printed Speeches, pamphlets, Letters, Newspapers, Communications, &c., put forth by individual clergymen and members of the Episcopal Church, as, in the opinion of your Memorialists a more liberal, equitable and judicious policy has been advocated. These discussions, however, have always resulted unfavourably to the pretensions of the Episcopal Clergy, as far as public opinion in the Colony could affect them; and public opinion against a Church Establishment has become so decided, general and strong, that the Episcopal Clergy are doubtless anxious to suppress the expressions of it on the Question, but your memorialists are not aware that the Episcopal Clergy considered the "agitation" of the Question, injurious to the interests of religion, "until all prospects of obtaining the countenance of any considerable portion of the Upper Canada population to their measures, had failed, and a nearly unanimous and firm determination was unanimous on the part of the people to resist in every constitutional way a policy which it is believed is fraught with much evil to the province.

The assertion of the Episcopal Clergy that the "legal and vested rights of the Church of England have been attacked," is an assumption of the very point at issue for it is held by the highest law officers of the Crown in this Province, and has been several times decided by very large majorities in the Provincial Parliament after full discussions of the subject that the legal and vested rights "of the Protestant Churches to the provision set apart for the support of a Protestant Clergy" are equally well founded with those of the Episcopal Clergy, and the plea that this provision did not become a matter of discussion "for a period of thirty years." When the Clergy Reserves during that period yielded no revenue and were under the control of no particular Church, only betrays in the opinion of your Memorialists the manifest untenableness of the positions assumed by the Episcopal Clergy. Reference has been made to supposed advantages which the Episcopal Church in the State of New York derives from public appropriations for the support of her Clergy. This statement your Memorialists apprehend has been founded upon questionable authority, as will appear evident from the following observations of the late venerable prelate of the Diocese of the State of New York, in a sermon preached and

## SESSIONAL PAPER No. 8c

published by him about six years since in the City of New York, immediately on his return from a visit to Europe: "We want the wealth, the honour or the Establishment of the Church of England. With the union of Church and State commenced the corruption of Christianity and so firmly persuaded am I of the deleterious effects of the Union that if I must choose the one or the other, I would take the persecution of the State rather than her favour, her frowns rather than her smiles, her repulses rather than her embraces. It is the *eminent privilege of our Church*, that, evangelical in her doctrines and her worship, and apostolic in her ministry, she stands as the primitive Church did, before the first Christian Emperor loaded her with honours that proved more injurious to her than the relentless persecution of his imperial predecessors. In this land of religious freedom, our Church, in common with every other religious denomination *asks nothing* from the State but that which she does not fear will ever be denied her, *protection equal and impartial protection*." It is admitted that the Episcopal Church in the State of New York "is increasing and flourishing in a remarkable degree" and the above remarks of the late excellent and learned Bishop Hobart contain some of the principal reasons of her prosperity.

The same observations made in reference to a country "bordering on these Provinces," your Memorialists conceive, are applicable to these provinces themselves. Of the many reasons which have been and may be adduced, for an Ecclesiastical Establishment in Great Britain, Your Memorialists would not presume to express an opinion but they now feel it their duty most respectfully to submit to your Majesty that the erection or continuance of an ecclesiastical Establishment in Upper Canada embracing one or more churches with peculiar immunities and advantages in the direction of education and so forth, is fraught with consequences highly injurious to the interests of the State and of religion in the Colony. First, it appropriates a large portion of the revenue of the Country without receiving any adequate equivalent in return. This is evident from the fact that Churches in the Colony which have received no public grants for the maintenance of their Clergy have flourished and increased far more rapidly than the Episcopal Church, and their Members are equally moral, equally loyal, and equally valuable subjects of your Majesty, with the members of the Episcopal Church. *Secondly*.—It is a fruitful source of misunderstanding and dispute between the different branches of the Colonial Legislature.

The principal "agitations" which have interrupted the harmony between the popular and Executive branches of the colonial government have originated in attempt to create or maintain political distinctions on account of religious faith, the natural consequence of identifying one or more denominations of Christians with the government in contra-distinction to all others, though equally respectable, loyal and useful. *Thirdly*. It arrays large portions of the population in opposition to the measures of the Government and has a tendency to destroy their confidence in the equity of its administration, when it thus proceeds upon a system of favouritism and partiality. This effect is the more to be deprecated and more alarming in Upper Canada, when it is considered that the excluded classes constitute a very large majority of the people. *Fourthly*. It occasions endless discord, litigation and animosity among the different classes of the population. The proscribed classes aware from the constitution of human nature, the history of past ages, observation and experience in this Province of the tendencies of all bodies, whether ecclesiastical or political when unchecked to accumulate and exercise arbitrary power especially in a small colony and perceiving that the Executive branch of the Government designed for the equal protection and encouragement of all classes of loyal subjects is identified with some one or more than one denomination of Christians in contra-distinction to all others, feel that the only actual security of the continual enjoyment of their civil and religious liberties and privileges exists in the Representative branch of the Government. Hence, while continual jars are produced between the representative and executive branches of the Government, heart burnings and contentions disturb the tranquillity and sever the affections and interests of the several Classes of the Community.

Notwithstanding the intimation of the Episcopal Clergy that only "certain Methodist Missionaries" are opposed to their measures, it is a well known fact established

63 VICTORIA, A. 1900

by indubitable evidence recorded in the Journals of the Provincial Parliament, and admitted by every candid person who knows anything of public opinion in the Colony, that the main body of the people are decidedly opposed to any Church Establishment; that the Members of either the Church of England or of Scotland or of both taken together, constitute but a small minority of the population and that a large portion of even the Members of the Episcopal Church are unfavourable to her ministers in the province possessing any public provision or prerogatives over the Ministers of other Churches. To these facts may be added another, which though not of equal weight with the above, is in the opinion of your Memorialists of considerable importance to the general question whilst there are other Christian denominations, separately considered, far more numerous than the Church of England or of Scotland, they are also prior in respect to the period of their labours and actual existence in the Colony. In a sermon preached by the Archdeacon of York on the occasion of the death of the late Bishop of Quebec, printed in 1826, the author admits, that up to that date, the benefits of the labours of the Episcopal Clergy "were little known or felt," in Upper Canada. Up to the year 1818 there was but one Clergyman of the Church of Scotland in the Province. This however was not the case with several other denominations of Christians, whose Ministers had laboured and formed Congregations in every settled District in the Province before this period. These denominations therefore, stand in a very different relation to the Church of England and Scotland in this province from what they do in Great Britain; and under these circumstances, considering their priority in point of actual existence and numbers and the fact that very few of their members have ever belonged to either the Church of England or of Scotland your Memorialists conceive that the prerogatives sought by the Episcopal and Kirk Clergy have little foundation in reason or good policy, and that the terms "dissenting sects" are quite as applicable to the Church of England and Scotland in the Colony as to those Christian denominations to whom the Episcopal Clergy contemptuously apply them. Your Memorialists most respectfully submit to Your Majesty, that a church establishment is no more conducive to the religious, than it is favourable to the political interests of the Colony. It is a prolific source of jealousy, strife and animosity between different Classes and denominations of christians; it has a tendency to prevent, and in some cases destroys that frequency and intimacy of social intercourse between the pastors and his flock which a mutual dependency naturally produces, it tends to relax that energy and diligence in the discharge of public and private duties, with which reliance on public confidence and esteem obviously inspires the pastor, it is calculated to weaken the graces of *Christian liberality*, which the voluntary but expanded moral duties of paying "the labourer his hire", are well adapted to promote; it serves to obliterate from the minds of the people that *practical sense* of the *inestimable value and utility* of the *Christian system of Divine Truth* which frequent appeals to the heart for the support of its ordinances are known to excite and enliven:—it opens an inviting door of entrance into the Christian Ministry to many persons who are utterly unfit for the sacred office: it clearly tends to modify the spiritual Kingdom of Christ into a political Machine; to convert the Ministers of God's holy Altar into Statesmen, Legislators and Political Partizans; and to substitute for the religion of the Holy Bible a philosophized Christianity which "has the *form* but denies the power of *Godliness*."

These are not matters of exaggerated conjecture, but are too well supported by facts even in this Colony. A church establishment in the colony may elevate and in many cases enrich the patronized Clergy; it may in some instances induce persons from worldly considerations to frequent the endowed Church or Churches, it may throw a sort of imposing splendour around the hierarchy which may thus obtain the compliment and countenance of self interest:—but it will do all this in the opinion of your Memorialists at the expense of what is confessedly more important, the popular equity, if not permanency of the Government, the happiness and united interests of the people, the purity and efficiency of the Christian religion. In support of these sentiments Your Memorialists beg leave to add one general fact. In the United States the Episcopal Clergy derive no maintenance from the Government, in this Country it is otherwise, yet in the United States the Episcopal Church is "increasing and flourishing in a remarkable

## SESSIONAL PAPER No. 80

degree," whilst in this Country she languishingly exists, but does not flourish. Upwards of one hundred thousand pounds have been received and enjoyed by the Episcopal Clergy in Canada, yet according to the best information within reach of your Memorialists the actual Communicants of the Methodist Church to those of the Church of England or of Scotland, are as ten to one; and your Memorialist verily believe that the number of Communicants added to the Methodist Church during the year past is greater than the total number of Communicants belonging to either the Church of England or of Scotland in the Province. Your Memorialists therefore feel satisfied, that in the state of the population in Canada, neither the real interests of the Church itself nor of the Government, nor of the people, nor of religion require the endowments sought and claimed by the Episcopal Clergy; but on the contrary, they believe that all these interests will be best consulted and promoted by leaving all Ministers of religion in the enjoyment of the same political privileges and advantages and appropriating the proceeds of the sale of Lands heretofore set apart for the support of "a protestant Clergy" to the purposes of general education and perhaps to other internal improvements. When these Reserve Lands, which have heretofore been so serious an obstruction to the general improvement of the Country, are appropriated to general purposes the Catholic and all other Classes of Your Majesty's faithful and loyal subjects will be alike benefitted by them. Your Memorialists from a sense of duty, have thus presumed to vindicate themselves from uncalled for attacks, and in the present exigency, to lay a plain statement of the facts connected with the question of a Church Establishment in the Colony before Your Majesty, and should the correctness of any of their statements or representations be called in question, Your Memorialists humbly entreat of Your Majesty an opportunity to substantiate them which they feel themselves fully able to do.

## MOST GRACIOUS SOVEREIGN.

Your Memorialists beg leave to approach the Royal Throne, and from the warm affections of their hearts to present to Your Majesty their most sincere and grateful thanks for the Royal assent to the Marriage Act, sanctioning the right of Ministers of different Christian denominations in Upper Canada to celebrate the Banns of Matrimony; a privilege which has been long and earnestly sought for by the people and their Representatives, and the Royal sanction to which has assured and satisfied the people of this Province of Your Majesty's desire to comply with their reasonable wishes and promote their best interests. Your Memorialists anxiously desire to express their attachment to Your Majesty's Royal person and Government, they feel grateful to Divine Providence that the bounds of their habitations have been appointed within Your Majesty's dominion:—for they indulge unshaken confidence in the Wisdom and Equity of the Councillors who surround Your Majesty's Royal person they have uniformly inculcated these sentiments of love and honour to the King, of obedience to the Laws, and attachment to the government throughout their Congregations. Your Memorialists are diligently devoting their time, influence and lives to the moral and religious improvement of this province, and by consequence to the interests and stability of Your Majesty's Government, Ministers of the Methodist Church accompanied the first influx of emigration into the Colony, and they have under all the disadvantages and privations incident to a new Country, and without any public support from the government introduced and they continue to enlarge the field of their labours in every District of the Province. The Methodist Church in Canada included at this time Sixty Travelling Ministers upwards of one hundred and fifty Local Preachers and nearly Thirteen thousand Communicants;—and Your Memorialists impart religious instruction to at least one fourth of the whole population of Upper Canada. But they do not ask for themselves any part of the proceeds of those Lands, heretofore set apart for the support of a "Protestant Clergy" nor could they desire any public provision which would be opposed to the general wishes of those for whose welfare they propose to labour: for they cannot conceive that any system or Doctrine or form of Worship should be forced upon a Province, any more than upon an Individual, Your Memorialists ask nothing from the Government by way of public support but that which they confidently believe will not be withheld from them,—“protection equal and impartial protection.”

63 VICTORIA, A. 1900

That Your Majesty and Your Majesty's Royal Consort may be blessed with health, long life and happiness, that the richest blessings of Christianity and Providence may be poured upon the United Kingdom of Great Britain and Ireland and its numerous and extensive Dependencies; that uninterrupted peace and unrivalled prosperity may crown Your Majesty's auspicious reign and that all the deliberations of Your Majesty's Government may result to the satisfaction and promotion of the best interests of every portion of Your Majesty's Dominions and the perpetual honour and Stability of the British Throne is the daily and fervent prayer of Your Majesty's Memorialists.

By Order of the Conference of the Methodist Episcopal Church in Canada.

York Upper Canada  
Sept. 8th 1831.

W. CASE, Prest.,  
JAS. RICHARDSON, Secy.

NOTE A—No. 16—PETITION FROM THE ANGLICAN CHURCH.

(*Archives, Series Q, Volume 357-2, p. 236.*)

To the King's Most Gracious Majesty.

The petition of the Bishop and Clergy of the Diocese of Quebec

Humbly Sheweth,

That through the energy of certain individuals calling themselves "the friends of religious liberty" great efforts are making in this Colony to obtain numerous Signatures to a petition praying the Imperial Parliament to authorise "the appropriation of the proceeds of the sale of lands, heretofore set apart for the support of the Protestant Clergy, for the purpose of general education and various internal improvements." The most active promoters of this Petition are the Preachers of the Methodist denomination in the Upper Province, who for the most part obtain their ordination in the United States and who have no connection with, or dependence upon the Methodist Conference in England, or upon any religious body in the British Dominions. Your petitioners know not what degree of success may attend the exertions everywhere used to obtain signatures but from the little difficulty which presents itself on such occasions, when the usual measures are resorted to, they doubt not that the unresisted efforts of a multitude of subordinate Committees, aided by the persevering importunities of local and itinerant preachers, may procure a more than ordinary number of names. It has appeared to Your Petitioners that the peace of Society, and the interests of religion would be best consulted by their forbearing to excite even their own congregations, to an expression of their opinions in the same popular form or to enter into that kind of contest which would be necessary for opposing successfully the Agents of this self constituted Committee. They have therefore on this account as well as from a deference to the declared opinion of the Colonial Government, abstained from such measures at the hazard of subjecting their conduct to the misconception which is applied in the petition, to the silence of the friends of the Church of England in these Provinces. The lands which the signers of the Petition referred to, desire to see diverted from their object, are beginning at length to be productive, from the improved condition of this Colony. Hitherto the Clergy of the Church of England have been supported, and they are now supported in these provinces, by the benevolence of the Society for the propagation of the Gospel in Foreign parts, aided by the annual Grant from Parliament. That venerable Society have doubtless looked forward to the period when this provision, made by a pious and revered Sovereign, would relieve them from the charge they have sustained, and enable them to apply their Christian Charity to other objects, and in justice to them as well as from an earnest conviction that the happiness and spiritual welfare of future generations require it at our hands, we earnestly protest against destroying the only provision,



## SESSIONAL PAPER No. 8c

which exists for securing to the people of this extensive and valuable colony, the due ministration of the ordinances of religion and the blessings of Christian Instruction. In humbly addressing ourselves to Your Majesty we do not feel it necessary to insist on the advantages of such an established provision, for the maintenance of Public Worship, as shall ensure the residence among the people of a learned and pious Clergy. These advantages are felt and duly appreciated by our fellow subjects in each of the United Kingdoms they are enjoyed also by the great body of our Roman Catholic fellow subjects in Lower Canada, among whom a numerous Clergy are maintained by a legal sanction, given by their constitution to the constituted erection of such tythes as had been paid under their ancient government, and we cannot allow ourselves to believe that in compliance with the prayer of any class or number of the present population a measure shall now be sanctioned which must deprive the people of Upper Canada in all time to come of advantages, which in their nature are inestimable. In the State of New York, which borders on these Provinces, the Protestant Episcopal Church at this moment enjoys, from the pious care of our former monarchs a provision by the aid of which she is there increasing and flourishing in a remarkable degree, and while this provision excites in that country neither jealousy nor murmuring, we are at a loss to comprehend how it can be thought an infringement upon religious liberty, that in a Colony happily belonging to the British Crown, the Sovereign shall so far extend his fostering care for the interests of religion as to provide a support for a Protestant Clergy from means which do not impose the least burthen upon any of his subjects. Beyond necessary aid of a provision for their Clergy, no other advantage is possessed or claimed by the Members of the Church of England, or of Scotland, in this Colony over any dissenting Sect. Every Office under government is open to all, who will take the oath of allegiance and the oath for the due performance of its duties. No tithes are or can be extracted (for the law prohibits it) nor can a contribution be compelled from a single inhabitant of this Colony to support the Clergy of any denomination. No sect or person is depressed in order that the Church of England may be exalted. But his Majesty feeling it one of his most sacred duties, not to neglect the religious instruction of his subjects, has made a provision for the support of that Church, which under the express terms of the Act of Union with Scotland, is established in England and Ireland, and in the Territories belonging to the Crown and for which provision is in some manner made, in every Colony of Great Britain. It is well known, to Your Majesty that persons cannot enter upon the clerical profession in the Church of England, or of Scotland, without those qualifications which require a long and extensive course of education at a University, or such other preparation for the exercise of their Ministry, as gives them a claim to expect a provision for their future maintenance, which will secure them against want, and place them above necessity of secular occupations, with those Preachers, who are aiming to abolish, the only public provision existing for the maintenance of religion in these Provinces. The case is distinctly otherwise and they doubtless know and feel that no plan can be devised for bringing ultimately into their hands the religious instruction of the whole population as by constraining men of learning and education to desert a profession in which they can have no other dependence than upon the precarious bounty of individuals, a resource which the experience of the complainants themselves shew to be miserably inadequate. If any evidence were required to prove that without the aid of a public provision there must be a want of Clergymen duly qualified for the Ministry, it is afforded by the fact that altho' the number of the Clergy of the Church of Scotland, in these Provinces is very limited and though their congregations are in some places large and comprise many individuals of wealth and of respectability, they find themselves unable to subsist without the aid of the small stipend paid them by Government. We are happy that they receive such assistance, and we should be well pleased if it would be extended to all Ministers of that Church who may have charge of congregations in these provinces, provided it could be done, without circumscribing the future usefulness of the Church of England, by interfering with that provision, which the law has provided for her support. The religious endowment which certain Methodist Missionaries through the influence of Newspapers and Petitions are now labouring to destroy, was made upon the express recommendation of



63 VICTORIA, A. 1900

our late beloved Sovereign, George the Third in a message to Parliament, it has the strong and secure sanction of a British Statute; it is coeval with the Constitution of these Provinces; it forms a part of the Charter, upon the faith of which our very Government rests, and in reliance upon which thousands of the most respectable families from Great Britain have made and are making these Provinces their home. As this provision never can be more than adequate to the purpose for which it was intended, so your petitioners are prepared to show for a period of thirty years, it never became a question but that it was made for the exclusive maintenance of the Church of England. It was only at that late day that an individual in the Legislature of Upper Canada conceived he could in the face of the plain enactments of the Statutes 31st Geo. 3rd c. 31 contend with success that the words "a Protestant Clergy" used not merely in that Statute but also in the 14th Geo. 3rd c. 83 were intended to include two Protestant Churches against any claims founded upon legal construction, and advanced as of right Your Petitioners could urge no complaint because though it became their obvious duty to resist it, as unfounded, still the advocates of this construction were entitled to be heard, they have urged upon the Imperial Parliament their claim to a participation; it has not yet been decided, nor do Your Petitioners apprehend that it can be hastily disposed of to their prejudice, because they have humbly petitioned to be heard in vindication of the legal and vested rights of the Church, and they do not conceive that the opportunity will be denied them, upon such an occasion whenever it may be afforded. Your petitioners conceive they are prepared to prove that it was intended by his late Majesty's and by the Parliament of Great Britain, to make such a provision for the Church of England in this colony, as would be adequate to its support, that the provision which has been made, is not and never will be, more than adequate; that it was understood and intended in England, at the time of the passing of the Statute 31st Geo. 3rd c. 31, that the Clergy to be maintained in Canada from the proceeds of the reserved lands, were the Clergy of the United Church of England and Ireland and none other, and that the provisions of the Statute on this point are so explicit and unequivocal that in the opinion of a very eminent Barrister, now one of the Judges in England, no doubt could be raised upon them; that at the time of the passing of the act, and from thence for thirty years, it was conceived by the Government in England, as well as by the Government and people of these Provinces, that no other religious denomination had a right to participate in the proceeds of the Reserves; that if upon the construction of the British Statutes in question, or upon any legal principle, the Clergy of the Church of Scotland had any interest in this provision, it was known neither to the clergy of that Church in this Colony nor to their Congregations; that the rulers of that Church in Scotland were equally unconscious of it for nearly thirty years, and that no evidence exists that this public act of Parliament was so understood, during that period by any person whatever. Your Petitioners further consider themselves prepared to show that any legal claim of the Church of Scotland, to be maintained as an Established Church out of Scotland, so directly repugnant to the express terms of the Act of Union, that it is equally inconsistent with the principles recognized by Parliament and acted upon by the government since that era, that the history of the British Colonies, afford abundant proof that in practice the United Church of England and Ireland is up to this moment regarded as the National Church in Your Majesty's foreign possessions, and that it is in terms declared to be so in the Articles of Union with Scotland, and there is no more ground for concluding that Emigrants from Scotland have a right to find their church recognized and supported in the colonies than that they carry with them the right to enjoy the Civil and Criminal law of Scotland, a claim which has never been advanced and which it is notorious would be found to be opposed by the actual condition of the people in all the Colonies of the Crown. Your Petitioners are farther prepared to shew that the Church of England has been virtually recognized, in more than one Statute passed in the Legislature in Upper Canada as the Church of law established in this province. With these arguments in support of their cause and confident that an opportunity will be afforded to advance them, Your Petitioners will be content to wait in patience the decisions of Parliament upon the pretensions which have been advanced in behalf of the Church of Scotland. The attack against

SESS

which  
plain  
impol  
Scotl  
a tim  
taken  
upon  
upon  
inclin  
they  
public  
emplo  
of th  
exerti  
truth  
the p  
affirm  
pects  
large  
mise  
foster  
able a

S  
and te  
as en  
the H  
ness a  
ous re

I  
annua  
former  
annua  
is conf  
ference  
of Min  
Gener  
them,

I  
Local  
settled  
F  
I have

To C.

## SESSIONAL PAPER No. 80

which they are now contending is of a very different character, and it is one which plainly discovers the injury, which may result to religion from the inconsiderate and impolitic agitation in this Colony of the question raised by the friends of the Church of Scotland. The motives with which the support of the various dissenting Sects was for a time given to the exertions of the Church of Scotland, are now too manifest to be mistaken, they are content to be combined with the friends of that Church in an attack upon the vested rights of the Church of England in the hope of shaking the foundation upon which these rights had hitherto reposed, but no sooner do they discover an apparent inclination to give a favourable decision to the claim of the Church of Scotland, than they stand forward on a ground perfectly distinct, declare themselves hostile to the public maintenance of the Clergy and pray that the interference of Parliament may be employed in abolishing altogether a provision solemnly guaranteed by the constitution of these Provinces. Your Petitioners humbly supplicate Your Majesty that these exertions may not be crowned with success, they declare with that sacred regard to truth, which becomes the profession, that the Venerable Church to which they belong and the pure worship it enjoys are not unacceptable to the people of these Provinces, they affirm on the contrary that she is increasing with encouraging rapidity under the prospects of support which the law assures her; that she has an interest in the hearts of a large portion of Your Majesty's subjects in this Colony, which affords a flattering promise of her future usefulness, and that nothing is required but the continuance of the fostering care of Your Majesty, to sustain her against every effort to excite an unreasonable and injurious prejudice against her.

## NOTE A—No. 17—EGERTON RYERSON TO THE COMMITTEE.

(Archives, Series Q, Volume 357-2, p. 250.)

YORK, February 9th, 1831.

SIR,—The accompanying statements may appear at first thought unnecessarily minute, and tedious; but as the circumstances alluded to in the Petition have been represented as enveloped in inexplicable mystery, I thought I could not place them plainly before the Honourable Committee, without detailing them *without* (sic) some degree of minuteness and in some parts I fear I have even now been too brief to do justice to a numerous religious community.

I beg to offer one word of explanation on the difference between a *general* and *annual* Conference—terms which occur frequently in the accompanying statements. The former meets once in *four* years, and possesses *Legislative* powers. The latter meets annually and possesses *Executive* powers only. The jurisdiction of an *annual* Conference is confined within a certain prescribed territory—the jurisdiction of the *General* Conference extends over the whole connection of Church. An *Annual* Conference consists of Ministers who have been received into the Connection within its boundaries. The *General* Conference is composed of Delegates from all the *Annual* Conferences, elected by them, one for every fourteen of their Members.

In the accompanying table of ministers I have taken no notice of what is called *Local Preachers*. They are about one hundred and twenty in number and are generally settled residents in the Country.

From the very kind manner in which I was received by the Honourable Committee I have been emboldened to state the whole case with the utmost freedom.

I have the honour to be,

Sir,

Your most obedient

Humble servant,

EGERTON RYERSON.

To C. A. Hagerman, Esq.,  
Chairman of the Committee,  
&c., &c., &c.

63 VICTORIA, A. 1900

This petition refers to several subjects, on each of which I will with pleasure give such information as I possess, agreeably to the request of the Honorable Committee.

The Petitioners in the first place complain of the daily and increasing influence of a foreign Priesthood.

"A foreign Priesthood" I take to be intended to mean a body of Ministers who have either emigrated from the Dominions of a Foreign Government, or are under a Foreign jurisdiction or are depending upon foreign resources for their subsistence or are under the control of a foreign interest by more than one of these circumstances.

I know of no Priesthood in this Province that may be considered foreign in any of these respects, unless it be the Roman Catholic Priesthood, which, according to the best of my knowledge of the polity of that Church, is immediately under the ecclesiastical jurisdiction of the Pope of Rome.

As far as it relates to the Priesthood with which I have the happiness to be immediately connected it is not according to my belief, foreign in any way of the above significations of that term.

In regard to the place of birth of the Ministers of the Methodist Church the annexed table, the statements of which have been collected from Authentic sources, will shew that, there are at present fifty-seven Methodist Itinerant Ministers in Upper Canada—that forty-eight of these fifty-seven have been born in the British Dominions, that 6 out of the remaining 9, who were born in the United States, have taken the oath of allegiance to the British Government: and that most of these have been residents in this province a considerable number of years. In this table five Superannuated or worn out preachers are included, two of these men born in the British Dominions and three in the United States, but they have taken the Oath of Allegiance to the British Government and have resided in this Province from 10 to 15 years.

As it respects the Methodist Ministers in Upper Canada being under a foreign jurisdiction, I would observe, that this was never any other than an ecclesiastical jurisdiction, and I believe never in the slightest degree alienated the affections of the Methodist Ministers or people in Canada from the British Government, as is manifest from the loyalty and faithfulness with which they assisted in defending this Province against the Invasions of the United States Government during the late war. This ecclesiastical jurisdiction however, ceased in a great degree to be exercised in the year one thousand eight hundred and twenty-four, when the Methodist Societies in Canada were organized under the control of a distinct conference, and ceased to exist in one thousand eight hundred and twenty-eight, when they were constituted into a distinct and independent church entitled "The Methodist Episcopal Church in Canada."

In order that the Committee may be able to appreciate the correctness of this statement, and understand the whole subject to which it refers, I will here take the liberty to mention briefly the circumstances which gave rise to and were connected with the termination of this Ecclesiastical Jurisdiction which the Conference in the United States formerly exercised over the Body of Methodists in Upper Canada.

The first Methodist Itinerant Ministers visited the province in about the year 1790 or 1791, and came here in the character and capacity of *Missionaries*. They organized Societies and soon formed regular circuits. After the first year or two these missionaries derived their principal if not their whole support from the scattered flocks in the province. The number of preachers increased in proportion to the demand for their labours. Some of them were sent into the province by the United States Conferences, and others were raised up in the Country, but all were employed under the Authority of the American Conference. This state of things continued until the year one thousand eight hundred and twenty, when several English Missionaries visited this Province and an unfortunate misunderstanding took place between them and certain preachers who had long laboured in the Country. This misunderstanding, which I believe originated primarily in individual jealousy, gave rise to many reproachful epithets, by which the Methodist Preachers and Societies in the Province were represented as Americans in their feelings, and under a foreign influence, at variance with a faithful allegiance to the British Government.

## SESSIONAL PAPER No. 8c

As soon as it was understood by the Methodist Societies in Upper Canada, that these representations though gratuitous, and utterly unfounded, made an impression upon the mind of the Colonial government, unpleasant to the Executive and prejudicial to them, they sought to dissolve, in an amicable way all connection with the Conference of the United States. They accordingly petitioned the American General Conference, which held its Session in Baltimore, May, 1824, for a separation. That body for reasons which appeared satisfactory to them, declined granting the request of the Petitioners, intimating however that a compliance with the request of the Methodist Societies in Upper Canada might be expedient at a future period.

The Methodist Conference in Canada, anxious to terminate as soon as possible a union which now served to excite suspicions in the mind of the Government, began immediately to renew their exertions to effect and expedite a separation from the American Conference. Accordingly at their next Session held at Hallowell, Midland District, August, 1824, they drew up adopted and signed a Memorial to be laid by the general Superintendent before the several annual Conferences in the United States, praying them to concur in a Petition to the next General Conference to be held in Pittsburg, Pa., in 1828, in favour of organizing the Methodist Societies in Canada into a separate and Independent Church.

As this Memorial illustrates one important object of the Honourable Committee's inquiry, namely, the feelings of the Methodist Priesthood in Canada towards the government, I beg leave to lay a copy of it before them transcribed from the original which is at the disposal of the Honourable Committee.

To the Bishops and Members of the Annual Conference of the Methodist Episcopal Church in their several Conferences assembled: The Memorial of the Preachers in Canada, in Conference Assembled at Hallowell U. C. 25th of August 1824.

Respectfully sheweth

That petitions to the late General Conference have been forwarded from a numerous body in this Country praying for a separate Connexion in Canada that the General Conference did not think it expedient to grant the prayer of the Petitioners, offering their reasons; at the same time, leaving the Petitioners yet to hope for such an event, by saying that "however expedient such a measure may be considered at a future period, the proper time for it has not arrived" and that the Canada Conference being of opinion that the plan of becoming a separate body, ought at a future period to go into effect, beg leave to submit the same to the deliberate examination of their respective Fathers and Brethren in the several Sister Conferences with a view to a favorable decision at the next General Conference and that the reasons which have influenced the Canada Conference in favour of such an establishment are as follows.

1st. The State of Society requires it—the first Settlers having claimed the protection of His Britannic Majesty in the revolutionary War, were driven from their former possessions to endure great hardships in a remote wilderness. Time, however and a friendly intercourse had worn down their asperity and prejudice, when the late unhappy war revived their former feelings, afforded what they considered new and grievous occasion for disgust against their invading neighbours. The prejudice thus excited would probably subside if this ministry were to become permanent residents in this Country as would be the case in the event of becoming a separated body in Canada.

2nd. A separate Establishment appears to be expedient and necessary on account of the insulated and extended situation of the societies in this Country from the general Superintendency. The national line is marked by a vast sheet of water stretching the whole length of the Province, either in broad lakes or rapid rivers, so that from our insulated situation and the difficulties in passing, it was nearly 30 years after the introduction of our ministry before one of our Bishops visited this Country. Two other Bishops lived and died without setting foot in Canada, and if two others have by forced labour kindly stepped over, these visits have been few and transitory. Consequently inconveniences have been felt for want of ordinations and a more particular and immediate oversight of the general Superintendency. A Superintendent therefore, to reside in this Country, to attend to those important duties would greatly remedy those inconveniences and have a most salutary influence upon the cause of religion.

63 VICTORIA, A. 1900

3rd. A separate Establishment appears necessary and expedient, on account of existing jealousies lately awakened in the Government of this Country. On the arrival of the Missionaries from Europe efforts were made to establish them in our cities and societies, by raising objections, to our ministry as coming from the United States. These objections were urged to the people here, and to the Committee at home, but when the means proved unsuccessful and the British Conference refused to sanction the requests made to them from political motives, these objections were then urged against us to the Government of this Country. Natural as it was for Political characters to listen to alarms on such subjects, some excitements were produced in the minds of men high in the Executive Department, and some late events have rather increased than allayed these excitements. To us therefore it appears proper to apply for a separation that by yielding to what might be thought to be the reasonable wishes of the Government, we may obviate objections and remove all suspicion of the purity of our motive in preaching the Gospel in this Country.

4th. To us it appears expedient and necessary that the societies here should be set off as a separate Body: because that in the event of war between the two nations, the difficulties of intercourse between this Country and the United States would render it extremely hazardous if not totally impracticable as we are now situated, for the superintendents to discharge their duties in Canada.

5th. To us it appears expedient that the societies here should become a church separate from the body in the United States in order to secure privileges which are of importance for the prosperity of religion here. At present we are not permitted to perform the rite of marriage to our members, nor indeed have we any legal security for our numerous Chapels in the Province, and we have been assured in our present relation we must not expect any extension of privileges. Though we cannot assure ourselves of such advantages by becoming a separate body, yet we can apply for those privileges with more confidence; and we think we have more reason to hope, that when petitions shall be presented to the Government from an Independent Church in this Country, our privileges will be granted and our property secured.

These brethren are the reasons which have been presented to our minds and which appear to us of weight and moment in favor of a separation, and in order to preserve the body of Methodists in this Country from the most disastrous of all events, that of divisions among ourselves.

This Memorial is signed by Wm. Case and 29 others. It was laid before the several annual Conferences in the United States, and received the concurrence of a large majority of them.

In the mean time the Methodist Conference in Canada at its Session held in Hamilton, District of Gore, in 1827,—adopted a similar memorial to the American General Conference and Elected five Delegates to attend that Conference assembled at Pittsburg May 1828, with instructions to use their best exertions to obtain a favourable answer to the prayer of the Petition.

The General Conference after due examination on the subject adopted the following preamble and resolution copied from the original, which I had the honour of producing for the perusal of the Committee and I was personally before them.

"Resolved by the delegates of the annual Conferences in General Conference Assembled, that "Whereas the Jurisdiction of the Methodist Episcopal Church in the United States of America has heretofore been extended over the Ministers and Members in connexion with the said Church in the Province of Upper Canada, by mutual agreement and by consent of our brethren in that Province, and whereas this General Conference is satisfactorily assured that our brethren in the said province under the peculiar and pressing circumstances do now desire to organize themselves into a distinct Methodist Episcopal Church in friendly relations with the Methodist Episcopal Church in the United States. Therefore be it resolved that it is hereby resolved by the delegates of the Annual Conference in General Conference Assembled.

"If the Annual Conference in Upper Canada at its ensuing Session, or any succeeding Session previously to the next General Conference shall definitely determine on this course, and elect a general Superintendent of the Methodist Episcopal Church in



## SESSIONAL PAPER No. 80

that Province, this General Conference do hereby authorise any one or more of the General Superintendents of the Methodist Episcopal Church in the United States, with the assistance of any two or more Elders to ordain such general Superintendent for the said Church in Upper Canada, provided always that nothing herein contained be contrary to or in consistent with the laws existing in the said Province, and provided that no such General Superintendent of the Methodist Episcopal Church in Upper Canada, or any of his successors in office shall, at any time, exercise any ecclesiastical jurisdiction whatever, in any part of the United States, or of the Territories thereof, and provided also that this article shall be expressly ratified and agreed to, by the said Canada Annual Conference, before any such ordination shall take place."

Pursuant to the Authority given in the foregoing resolution of the American General Conference the Methodist Conference in Canada at its next Session held in Ernest Town Midland District, Oct. 1828, took the subject of separation again into consideration, and after rehearsing the above preamble, "Resolved, that it is expedient and necessary and that the Canada Conference of the Methodist Episcopal Church do now organize themselves into an independent Methodist Episcopal Church in Upper Canada with a general superintendent, to be known by the name of "The Methodist Episcopal Church in Canada."

"2nd Resolved, that we adopt the present discipline of the Methodist Episcopal Church as the basis of our constitution and Discipline except such alteration as may appear necessary for our local circumstances.

"3rd. Resolved, That the 23rd Article of our religion be expunged and the following inserted in its place—"We believe it to be the duty of all Christians to be subject to the powers that be for we are commanded by the oracles of God to respect and obey the Civil Government: We should therefore not only fear God but honour the KING."

The Conference then proceeded to make Alterations in several parts of the discipline, and expunged whole and parts of sections as the local circumstances of the Province seemed to require. Some of the Alterations, I have the honour of showing the Committee, by comparing the Discipline of the Methodist Episcopal Church in Canada with that by which the Methodist Church in the United States is governed.

As the third section of the book of Discipline of the American Methodist Church provides that alterations in the rules of the Church cannot take place except by the Delegates of the Annual Conference in General Conference Assembled, it will appear obvious to the Committee that such alterations Could not have been made in the discipline of the Methodist Church in Canada had not all connection with the American Conference been *dissolved*.

Since October 1828 no kind of ecclesiastical connection has existed between the Methodist Conference in Upper Canada and that in the United States—No kind of responsibility on either side, no kind of Union, except that Christian fellowship which exists between the several branches of the Militant Church of Christ in every part of the World.

In respect to the Methodist Conference in Canada receiving support from foreign sources, I beg to observe that Our Methodist Itinerant Ministers receive the whole of their support from the Voluntary contributions of the societies among whom they labour.

The Philadelphia Female Missionary Society has presented for 2 or 3 Years past a donation of £100 to the Methodist Missionary Society in Canada. The Committee in New York of the Methodist Missionary Society (one article of the Constitution of which is to appropriate its funds wherever they are likely to do the most good without any regard to political Boundaries) has made a donation of £175 each year, for the last two years to assist in promoting the Christianizing of the aboriginals of Upper Canada. Some donations have been received by the Methodist Missionary Society in Canada from private individuals in the United States. These contributions however are the gratuitous offerings of benevolent Individuals of Voluntary associations and are in no respect connected with any political influence or ecclesiastical jurisdiction. They are given and received in accordance with the spirit of that divine injunction "Go and teach all nations,"—in accordance with the spirit of those noble societies in Great Britain whose



63 VICTORIA, A. 1900

benevolence and exertions are not confined to one Country or to one Kingdom, but are benefitting almost every nation upon the face of the Globe.

All monies received by the Methodist Missionary Society are duly acknowledged in the published annual reports of that society, together with the applications of them.

A Sum has been annually received by the Methodist Conference in Canada, from a general Book Concern in the City of New York, the circumstances of which I beg to explain to the Honourable Committee.

This concern was established many years ago by the Methodist Conference generally. The proceeds of it, according to the charter by which it was incorporated, as to the 7th section part 2nd of the Book of discipline, are equally divided among all the annual conferences in proportion to the number of their Members and are exclusively applied to the relief of worn out distressed Preachers, and the widows and orphans of those who have died in the Itinerant Ministry, and to the General Spreading of the Gospel. Consequently at its separation a portion of the property of that Book concern would be due to the Conference in Canada. But its affairs being in an unsettled state, a large amount of Books being scattered in different parts of the United States large debts existing against the establishments, and others outstanding not collected, it was thought advisable by the Delegates of the Canada Conference to defer the final adjustment of their claims, until the ensuing session of the General Conference, which will be held in Philadelphia in May, 1832. In order to be prepared for this final settlement, the General Conference ordered all the old Stock of books in the hands of Agents to be sold at 50 per cent Discount, and those which could not be sold, to be returned to the establishment in New York.

Similar arrangements were made to adjust all the other affairs of the concern. The General Conference resolved at the same time that until there should be an adjustment of any claims which the Canada Church may have on this connection, the Book Agents shall divide to the said Canada Church an equal proportion of any annual dividend which may be made from the Book concern to the several annexed Conferences respectively. This "Annual dividend" apportioned to the Canada Church has never to the best of my knowledge exceeded £37. 10. 0 which has been carefully applied to the purposes specified in the Discipline. This is, I believe, the true state of the case respecting the general Book concern and the only dependence which it appears to me the Canada Church has upon the American connexion is that the former has a legal claim upon the latter for a certain amount of property in Books, &c. which the latter has agreed to adjust a year from the next May.

There are two circumstances more which have been represented in indicating a "foreign influence" that I beg leave to notice, the one relates to the elections of a general superintendent, and the other to ordinations having been performed by a Bishop of the Methodist Church in the United States.

As to the former, the Methodist Conference in 1828 on its determining upon a separation unanimously elected a gentleman for that responsible office, whose gifts, acquirements and graces preeminently qualified for its duties, and who was known to enjoy in the highest degree the confidence and respect of the British as well as the American connexion, and was also understood to be an Englishman by birth. This Gentleman, who is now Principal of the Wesleyan University in Connecticut, from the peculiar circumstances of his health and situation declined accepting of the office to which the Methodist Conference in the Province has invited him.

Since that time the attention of the members of the Methodist Conference has been drawn to several Gentlemen both in Great Britain and the United States, as suitably qualified to fill the office of a general superintendent but to none in either country to the best of my knowledge, except British Born Subjects.

In respect to an American Bishop ordaining Preachers in Canada, since the separation from the United States Conference, one of the honourable Committee was present on the occasion and doubtless recollected all the circumstances of the case, I may however observe that at the time of the separation, it was expected that a general superintendent would be immediately obtained, but failing to succeed in the accomplishment of this desirable object, no ordinations were performed for any Preachers in Canada, for the

SESSI

space  
either  
dentia  
hop of  
altera  
of suc  
ledged  
Jurisc  
Protes  
exerci  
ordina  
of one  
ation  
that t  
Unite  
Beacu  
by the  
ally a  
empov  
fit to  
Churc  
of No

I  
consid  
tion t  
addre  
Lond  
Meth  
Super  
Meth  
Bisho

I  
feelin  
friend  
Engli  
diatel  
the E  
Secret  
ence,  
Britis  
will r

T  
tende

T  
my ca  
kinds

I hav  
Sunde  
all of

T

ledge  
functi  
with  
by it,  
aries  
send t

## SESSIONAL PAPER No. 8c

space of two years and at the conference in August last, in Kingston they are still left either to continue without ordination or to infringe upon the established order of our prudential regulations, by performing the ceremony after another mode, or to invite a Bishop of the American Methodist Church to perform their ordinations. The last of these alterations was considered preferable to the other two. But requesting the performance of such ordinations by a Bishop of the American Methodist Church implied no acknowledgement on the part of the Methodist Conference in Canada of a foreign Ecclesiastical Jurisdiction. For the English Bishop by request ordained Dr. White, Bishop of the Protestant Episcopal Church in the United States, without pretending to possess or exercise any jurisdiction over that Church, and Bishop Hedding, who performed the ordinations referred to, stated in the presence of the congregation and in the presence of one member of the honourable Committee, previous to the performance of the ordination Service that he possessed no ecclesiastical jurisdiction over the Canada Church, that this jurisdiction ceased in 1828, by the mutual consent of the Canada and the United States Conferences, but that he consented to perform these ordinations: 1st, Because the persons presented for ordination had been duly elected to the sacred office by the conference, and he had been invited to ordain them. 2ndly. He felt himself virtually authorized by the American General Conference to do so, in the resolution which empowered him to ordain a general superintendent should the Canada Conference see fit to elect one. 3rdly. That Bishop Ashbury, one of the first Bishops of the Methodist Church in America ordained English Missionaries for the West Indies and the Province of Nova Scotia, places over which he assumed no ecclesiastical jurisdiction.

I may also add that an American Bishop ordaining our ministers in Canada, is not considered in England, in the light of their being under the control of a foreign Jurisdiction the Rev. Richard Reece a leading minister in the English Connexion in a letter addressed to Francis Hall Esq of New York shown me by that Gentleman, and dated London Feb 29th 1829, speaking of the separation and the difficulties under which the Methodist Conference in Canada laboured in not being able to procure a general Superintendent in all respects suited to their circumstances observes "They (the Methodist Conference in Canada) must, as you say struggle on for a while, and your Bishops must visit them, and ordain their Ministers until they can do without them."

I would likewise remark, that there is at this moment, the most friendly feelings existing between the Canada and the English connexion that there is frequent friendly Correspondence between Ministers of both connexions that no less than 5 English Local Preachers have joined the Canada Connexion during the last year immediately on their arrival in this Country, joined in the same standing which they had in the English connexion, that at the last Conference, held in Kingston, the President and Secretary, were directed to open correspondence with President of the British Conference, and that I have no doubt whatever that the union between the Canada and the British Connexions will at no distant period be as intimate as the two Circumstances will render practicable.

In regard to circulating Books which may be considered as having a "Republican" tendency, I am not acquainted with any instances of the kind.

The books and publications at the Depository of the establishment placed under my care, are I believe, entirely the productions of European writers. I have several kinds of bibles which have been obtained from the British and Foreign Bible Society, I have a quantity of Sunday School Books, which were all published by the London Sunday School Union. I have between one and two hundred different sorts of Tracts, all of which have been issued by the London Tract Society.

The prayer of the Petition to prohibit any religious bodies assembling that acknowledge any connection with a foreign church and all persons exercising their ecclesiastical functions, who are not British Subjects, I believe will not interfere in the smallest degree with the Methodist Conference, nor with the functions of any of the preachers employed by it, except those of two young men. But I believe however that English Missionaries exercise their functions under almost all Governments, and that English Societies send their publications among almost all nations. Nor do I know of any government

63 VICTORIA, A. 1900

that has, in modern times attempted to adopt the principles of the prayer of D. Bethune, Esquire, and others, except those of China and Japan.

Should the Honourable Committee think it necessary to request any other information that I am able to give I shall at all times be at their Service.

EGERTON RYERSON.

YORK, Feb. 9th, 1831.

SESS

vinci

passe  
the aProv  
tion  
Schoorequi  
a Schgroun  
Royabut, u  
vincestatec  
Publion th  
appoitution  
20 Ju

the M

Board  
of theE  
followT  
Religiof dif  
ChildrA  
Corporthe R  
numbe

state o

## NOTE B.

## EDUCATION IN THE CANADAS.

## No. 1.—THE ROYAL INSTITUTION.

*(Archives, Series Q, Vol. 190-2 p. 415.)*

MEMORANDUM respecting the Board of Royal Institution established by the Provincial Act 41, Geo. 3, Cap. 17.

The Royal Institution is established under an Act of the Provincial Legislature passed in the year 1801, intituled "An Act for the establishment of Free Schools, and the advancement of Learning in this Province."

By this Act (41 Geo. 3, Cap. 17) the person administering the Government of the Province was empowered to erect a Corporation under the Title of "The Royal Institution for the advancement of Learning" and to this Corporation the management of all Schools and Institutions of Royal Foundation in the Province was to be committed.

The steps pointed out, by the Act, for the Establishment of Schools are as follow, The Majority or a certain number of the Inhabitants of any Parish or District are required to present a petition to the person administering the Government praying that a School may be established therein.

His Excellency then appoints Commissioners who fix upon a suitable piece of ground for the erection of a School House, which, when completed is conveyed to the Royal Institution. A Schoolmaster is then appointed and a Salary assigned to him.

Under this Act Schools were at different times established by the several Governors, but, until the year 1819, without any regular system, and at a great expense to the Province.

By a Return made in the year 1818, the number of Schools in the Province was stated to be 37, attended by only 1,048 Scholars, and Maintained at an expense to the Public of £1,883.10 Stlg.

Up to that time the Royal Institution had been never regularly established but, on the 8th October 1818, an Instrument issued, under the Great Seal of the Province, appointing certain persons therein named, to be Trustees of the Schools of Royal Institution in the Province, and by subsequent Instruments issued on the 13th of Decr. 1819, 20 July 1822, 27 June 1823, and 17 Novr. 1824, several other persons were added to the Members originally appointed.

The Lord Bishop of Quebec was named the Principal of the Institution and the Board of Trustees being appointed drew up Rules & Regulations for the management of the Schools, which received the sanction of the Local Government.

By these Regulations the regular superintendence of the Schools, was provided as follows:

The School was placed under the immediate Inspection of the Clergy of that Religion professed by the Inhabitants of the spot—or, where the Inhabitants might be of different persuasions, the Clergy of each Church had the superintendence of the Children of their respective Communion.

A regular superintendence of the Schools was also assigned to visitors named by the Corporation (one of whom to be the Clergyman of the Parish or Township according to the Rule above described), who were to report to the Corporation every six months the number and progress of the Scholars, the conduct of the Master, and generally on the state of the School.

63 VICTORIA, A. 1900

The Schools of the Royal Institution have been hitherto supported by an Annual Vote of the Provincial Legislature of £2,000 Cy.

In the year 1826, it was suggested by the Royal Institution that considerable advantage might be expected by a different constitution of the Board, and it was proposed that a further number of Roman Catholic Members should be added for the purpose of enabling the Board to divide itself into two distinct and equal Committees, consisting respectively of Protestant and Roman Catholics, for the separate and exclusive superintendence respectively of the Protestant and Roman Catholic Schools.

This proposed measure was announced to Lord Bathurst then Secretary of State, by Lord Dalhousie in a Despatch dated 27 May, 1827.

To carry the Plan into effect the resignation of some of the Protestant Members of the Board was obtained, and after some negotiation with the Roman Catholic Bishop, the necessary details being arranged, the Attorney General of the Province received orders, on the 13th of August 1828, to prepare the necessary Instrument for carrying the arrangement into effect by revoking the Commissions under which the then Trustees were appointed, and by re-appointing the same persons Trustees, with the exception of those whose Resignations had been obtained, seven in number, in whose stead the Roman Catholic Members were to be appointed.

The Attorney General having, in proceeding to execute these orders, examined the Act under which the Royal Institution was established, reported his opinion that no such Instrument could legally issue, the power of the Governor being limited, by the Terms of the Act, after the appointment of the first Trustees, to removing them if he should think fit, and to appoint Successors to those who should be so removed or to any who might die or resign their trust, but that the Act gave him no power to add to their number, and that consequently the several Letters Patent issued subsequently to the 8th October 1818, by which successively it was intended to increase and enlarge the number of Members of the Royal Institution could not be considered legal.

Under this view of the matter the only persons legally Members of the Board were the Individuals named in the Instrument of the 8th October 1818, and it became therefore impossible to carry into effect the Plan for the two Committees in the manner originally proposed.

The Roman Catholic Bishop having declined to accede to another proposal by which two Committees might have been formed, but consisting of a smaller number of persons, it became necessary to make an application to the Legislature to revise the Act of 1801, that some additional Trustees might be appointed.

With this view a message was sent to the Provincial Parliament on the 13th of February 1829, recommending the subject to their attention, but, the Session having approached a close before anything was determined upon, the consideration was postponed till the next session and the usual sum of £2,000 Cy. appropriated for the schools of the Royal Institution for the year.

Number of Schools under the Royal Institution on 1st July, 1829, 78.

Number of Scholars, 3772.

J. K.

NOTE B—No. 2.—LORD DALHOUSIE TO LORD BATHURST.

(*Archives, Series Q, Vol. 157-1, p. 193.*)

CASTLE ST. LOUIS, QUEBEC,  
10th June, 1821.

MY LORD,—I think it proper to call Your Lordship's attention to the Bill lately transmitted In Dispatch No. 30 Dated 26 March last by me regarding the Establishment of Catholic Schools in the Parishes and Corporations for the Management of each.

The Public newspapers of late have spoken very improperly and unfairly upon the subject and I regret to hear that a Catholic Priest is the most violent writer upon it.

## SESSIONAL PAPER No. 8c

I have not noticed these in any manner, but I cannot shut my eyes or ears to them; I am anxious to know Your Lordship's sentiments, as it may become necessary to check the mischief which might arise, by neglecting it in the bud.

The Catholic Religion in this Province is certainly the most sure Defence of it against our Neighbours; and every fair encouragement should be given to it in promoting Education and Learning. One great objection complained of is, the being subjected to the superintendence of the Royal Institution, of which the Protestant Bishop is President. That objection is natural in a Country where the Catholic religion prevails as to numbers, and is guarded by Ministers always watchful and perhaps jealous of the Protestant Church.

Would His Majesty sanction the Establishment of a Catholic Institution precisely similar to that of the Protestant for the Government of their Schools, I am given to understand that such a measure would be gladly received, and considered as a most gracious Act of His Majesty's paternal care. I have no official document to present with that question, but several highly respected Individuals have put it to me, and I gave my promise to mention it to Your Lordship.

I feel it necessary to communicate another subject for Your Lordship's instructions to me. I enclose Copy of a Memorandum which The Catholic Bishop put into my hand last summer on his return from Europe, asking if I had received any Command from Your Lordship respecting the contents of it. I told him I had not, in Oct. or Nov. his inquiries were repeated, and he particularly pressed for my consent that he should raise several of his Clergy to the Rank of Bishop. I declined to interfere in any manner. Since then Mons. L'Artigue, Provencher, and Macdonnell, of Glengarry Settlement, have been invested by him and have assumed the Title, it is fit that Your Lordship should be informed of these steps.

I have the honour to be My Lord

Your Lordship's most obedient and faithful

DALHOUSIE.

The Right Honourable

The Earl of Bathurst K G.,

&c., &c., &c.

P.S.—Since writing the above another Clergyman has arrived in Quebec to be made Bishop in place of the late Dr. Burke, Catholic Bishop in Nova Scotia.—D.

## Note B.—No. 3.—MEMORANDUM ON ROMAN CATHOLIC EDUCATION.

(Archives, Series Q., Vol. 168-2, p. 265.)

A Bill has been submitted for the encouragement of Schools for the Catholic population, upon a plan similar to that which is now conducted by the Royal Institution under the Provincial Act of 1801, but which, from particular causes, is only available for the education of the Protestant population;—This subject is of the greatest importance to the Province, and is annually brought forward in the Assembly with increasing anxiety and interest; and I am therefore most desirous to be instructed as to the sentiments of His Majesty's Government upon the draught of a Bill which I had the honour to submit in June 1823.

London 5th July, 1824.

## Note B.—No. 4.—MEMORANDUM ON ELEMENTARY EDUCATION.

(Archives, Series Q., Vol. 190-2, p. 423.)

Memorandum in explanation of the Provisions of the Act 9 Geo 4 Cap 46 for the Encouragement of Elementary Education.

In the last Session of the Provincial Legislature An Act was passed (9 Geo. 4. Cap. 46) entitled An Act for the Encouragement of Elementary Education, which, as regards Schools established in the Country Parishes, is to continue in force for Three Years.

8c—DD $\frac{1}{2}$



63 VICTORIA, A. 1500

By this Act an Allowance of £20 a year is granted to the Teacher of every School in the Country Parishes not being under the Royal Institution that may be attended by 20 Scholars, and, in all cases, where 20 Pauper Children may receive Instruction Gratis at a School, a further gratuity of 10 s. for each child of that description to the number of 50 is allowed.

A sum of £2,000 a year is also by this Act appropriated towards the erection or purchase of School Houses, one half of the price of any Building for this purpose being paid by the Government, provided such half should not exceed £50.

By the 4th Section of the Act it is required that Five Persons should be annually elected by the Inhabitants of each Township, Seigniorship or Parish, as Trustees under whom all Schools therein established since the passing of the Act are to be placed.

To enable the Inhabitants of any place to receive the allowance granted for a School House, it is merely required that the Full Price paid for the Building should be certified by the Trustees;—A certificate from the Trustees is also required as to the correctness of the Return made half yearly by each Teacher of a School, and upon these Certificates the Gratuity allowed by the Act is immediately paid.

Schools in the Country Parishes established prior to the passing of the Act are not required to be placed under Trustees, but are entitled to the Allowances granted by the Act on the Certificate of the Proprietor.

Allowances have been paid for 191 Schools under this Act in the present year.  
J. K.

NOTE B—No. 5.—SIR JAMES KEMPT TO SIR GEORGE MURRAY.

(*Archives, Series Q, Vol. 190-2, p. 392.*)

CASTLE ST. LOUIS,  
QUEBEC 21 December 1829.

(Extract.)

SIR,—The Protestant Institutions for Education consist of the Two Grammar Schools, one at Quebec, and one at Montreal, and of a Seminary lately established at Chambly under the auspices of the Lord Bishop of Quebec, where, in addition to the ordinary course of Classics, Young men are instructed in Divinity preparatory to taking Holy Orders.

The Institution is however entirely of a Private Nature and solely supported by the Students attending it.

There are also some Academies in the Towns of Quebec, Montreal and Three Rivers where Instruction is given in the Classics, tho' the course of Study is probably not carried so far as in the Seminary at Chambly. These are altogether private, and of course depend upon the Scholars for their support.

There are six Roman Catholic Seminaries or Colleges in the Province, including the two Establishments that are under the direction and principally maintained by the Funds of the Seminaries of Quebec and Montreal;—These two Bodies are possessed of considerable Estates, tho' not by their Endowment specially appropriated to the purposes of Education, and those of the latter in particular, as you are aware, are of very great value.

Of the four other Roman Catholic Seminaries, only one, that at Nicolet, has been erected by Letters Patent, and all Four are principally supported by Voluntary Contributions, or the price paid by the Students for their Instruction.

Of all these Seminaries both Protestant and Roman Catholic the two Grammar Schools at Quebec and Montreal alone receive any permanent assistance from the Public Funds. The School at Quebec as shown in the Return receives an allowance of £200 a year and £90 for the Rent of a School House from the Funds accruing from the Estates heretofore belonging to the late Order of Jesuits;—

That at Montreal £200 a year, and £54 for the Rent of a School House from the same Revenues.

## SESSIONAL PAPER No. 8c

The course of Instruction followed at both these Schools is explained in the Return. A Landed Estate to the value of £10,000 and a like sum in money was bequeathed by the late Mr. McGill of Montreal in the year 1811 for the Establishment of a College in the neighbourhood of that city, but the validity of the Bequest having been disputed by his Relatives; and other obstacles that were explained in my Dispatch No. 108, of the 5th November last, have hitherto prevented this design being carried into effect, altho' the College was incorporated by a Royal Charter in the year 1821.

The only Funds in the Province independent of the Legislative appropriations for Elementary Schools, from which any aid is given for the Promotion of Education, are the Revenues arising from the Estates heretofore belonging to the late Order of Jesuits, and this aid as already stated is confined to the two Royal Grammar Schools at Quebec and Montreal.

\* \* \* \* \*

Your most obedient &c.

JAMES KEMPT.

P. S. It may be necessary to mention that the two Grammar Schools at Quebec and Montreal that receive an allowance from the Jesuit Estates were established in the year 1816,—Three Gentlemen having arrived from England in that year appointed by the Secretary of State to superintend them as well as a Grammar School in U. Canada. The Authority for the amount of the salary to be allowed is conveyed in a Dispatch from Lord Bathurst dated 24 Feby. 1817.

The Salary for the Master of the Grammar School in U. Canada was ordered by Your Dispatch of the 2nd June 1828 to be transferred to that Province, but a demand has been lately made upon the Jesuit Estates for the Arrears of his Salary for 18 months prior to that period;—the claim is correct but the Estates are at present unable to defray it.

J. K.

## NOTE B—No. 6.—RETURN OF SCHOOLS IN LOWER CANADA.

(*Archives, Series Q, Vol. 190-2, p. 401.*)

## RETURN of the Institutions for the Instruction of Youth in Lower Canada.

## PROTESTANT.

College or School.	Funds by which Supported.	Remarks.
1. Royal Grammar School, Quebec.	£200 a year and £90 a year for the rent of School House, paid from the funds accruing from Jesuits' Estates under an authority from Lord Bathurst, dated 24th Feby. 1817.	By the Rules of the Foundation, 20 Free Scholars are to be admitted. There are also at present 11 who pay for their Tuition, all Day Scholars. Terms for those under 12 years of age £8 per annum " above 12 and under 13 " £10 " " above 13 years of age £12 " The French and English Languages are taught and the course of Instruction in the Classics, &c., is the same as in the Grammar Schools in the United Kingdom.
2. Royal Grammar School, Montreal.	£200 a year and £54 a year for rent of School House from the funds arising from the Jesuits' Estates under an authority from Lord Bathurst, dated 24th Feby., 1817.	By the Rules of the Foundation, 20 Free Scholars are to be admitted. At present there are 15 Scholars also who pay for their Education, all Day Scholars. Terms of Instruction for the higher Branches, £10 a year. " " for the lower £8 a year.

63 VICTORIA, A. 1900

PROTESTANT—*Concluded.*

College or School.	Funds by which Supported.	Remarks.
3. Seminary at Chambly.	Contributions of Students.	<p>The Course of Instruction is the same as in the Grammar School at Quebec and this School is in possession of an extensive Apparatus for experiments in natural Philosophy.</p> <p>A Private Institution lately Established under the Patronage of the Lord Bishop of Quebec. The Rate for Board and Tuition according to the Age of the Student is fixed at £40, £50 and £75 per annum.</p> <p>For Day Scholars at £15 and £20 per Annum. There are at present 17 Boarders and 9 Day Scholars.</p> <p>Instruction is given in Divinity as well as in the same Branches of Learning as are taught in the best Institutions of the same description in the United Kingdom.</p> <p>Those Students who pay £75 per annum are young men studying for Holy Orders and others finishing their Education.</p> <p>It is proposed to reduce the Terms paid for Tuition in this Establishment.</p>

## CATHOLIC.

1. Seminary at Quebec.	<p>No Revenues specifically appropriated to the purposes of Education, but is possessed of the following Estates:</p> <p>The Seignior of Beauport—15 Leagues in front by 6 leagues in depth on the River St. Lawrence below Quebec.</p> <p>Seignior of Isle Aux Coudres.</p> <p>" Isle du Cap Brulé.</p> <p>" Coulanges.</p> <p>" St. Michael.</p> <p>" Sault au Matelot (in the town of Que.)</p> <p>" Isle Jesus (in the district of Montreal).</p> <p>The precise Value of these Estates is unknown, but by an <i>avenand Denombrement</i> made many years ago, it was computed at £1,249 a year, besides large Contributions in Grain and the <i>Lods et Ventes</i> on Mutations of Property which in the Fief of Sault au Matelot containing about 180 Houses in the Town of Quebec, may probably amount to a considerable Sum. The Seminary was stated to be in debt to a large amount the beginning of the present year.</p>	<p>The Seminary of Quebec is at present attended by 188 Students. The Terms paid for Board and Tuition are £17.10. per annum; for Tuition only £1 per annum.</p> <p>Children whose Parents are unable to pay for their Education are instructed <i>Gratis</i>.</p> <p>The Instruction consists of the usual course of Classics, English and French Literature, Mathematics, &amp;c.</p> <p>The Seminary of Quebec was erected by Letters Patent of the French Crown dated in April, 1663.</p>
------------------------	---	---

## SESSIONAL PAPER No. 8c

RETURN of the Institutions for the Instruction of Youth in Lower Canada—*Continued.*

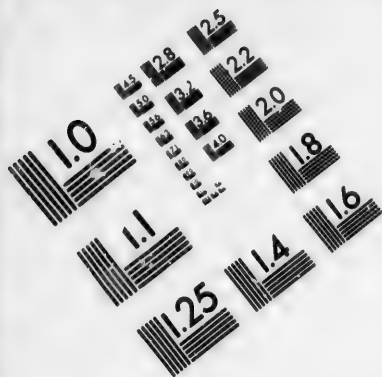
## CATHOLIC.

College or Seminary	Funds by which supported.	Remarks.
2. Seminary at Montreal.	The Seminary is in possession of the following Estates, Seminary of the Island of Montreal. " of St. Sulpice. " of Lake of the Two Mountains. The value of these Estates is unknown; by an Aven and Denombrement made many years ago it was calculated to be about £2,000 a year, besides large Contributions in Grain and Lods—ventes on Mutations of Property, which in the Seigneurie of Montreal, comprehending the whole of the Town must amount to a large sum.	Attended by 260 Students—The Terms paid for Board and Tuition per Annum are.....£21. For Tuition only..... 1.15 The course of Instruction is the same as at the Seminary of Quebec. The Ecclesiastics of St. Sulpice at Paris were authorized to establish a Seminary at Montreal and allowed to hold the Island of Montreal in Mortmain by Letters Patent of the French Crown, dated in May 1677.
3. Seminary at Nicolet.	Principally by the Contributions of Individuals, the small landed Property in the Neighbourhood of which it is possessed being stated to be of very little value.	The number of Students, or the price paid for Tuition is not known. The course of Instruction is stated to be the same as at Quebec and Montreal. The Seminary of Nicolet was erected by Letters Patent dated 10th Decr 1821 and by that Instrument is authorized to acquire Property to the amount £2,500 Cy.
4. Seminary at St. Hyacinthe.	By a small Property possessed by the Revd Mr. Girouard, the proprietor and the Contributions of Individuals. Received a Grant of £500 from the Legislature in the last Session.	No Return made of the number of Students or the price paid for Tuition. The Course of Instruction is understood to be the same as in other Seminaries. Application was lately made for the Establishment of this Seminary by Letters Patent but refused.
5. Seminary at Chambly.	Contributions of Scholars, received a gratuity from the Legislature of £250 in the last Session.	A private Seminary under the direction of the Revd Mr. Mignault, Roman Catholic Rector of Chambly.
6. College of St. Anne.	Contributions of the Scholars.	A private College situated on the South of the St. Lawrence, about 60 miles below Quebec established this summer. The course of Instruction is intended to be the same as in the Seminaries.

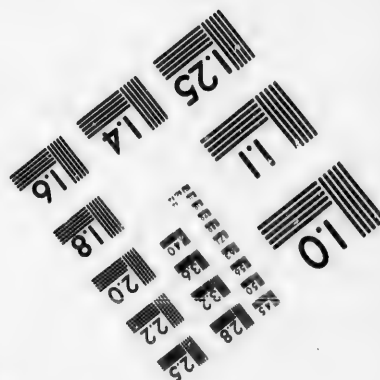
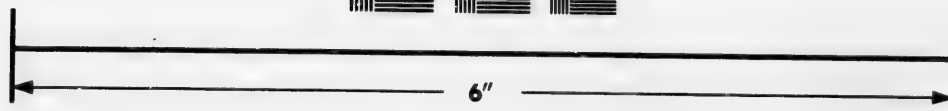
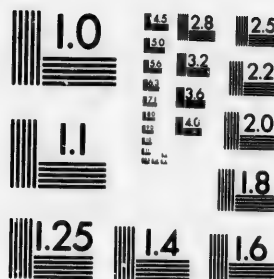
## Elementary Schools attended indiscriminately by Protestants and Catholics.

Under the Royal Institution.	78	An Annual appropriation of £2,000 from Provincial Legislature.	For an explanation respecting the Royal Institution, see Paper No. 2.
Under Provincial Act 9, Geo. 4, Cap. 46.	191	Contributions of Scholars and Funds appropriated by the Act.	For Explanation respecting these Schools, see Paper No. 3.





# IMAGE EVALUATION TEST TARGET (MT-3)



Photographic  
Sciences  
Corporation

23 WEST MAIN STREET  
WEBSTER, N.Y. 14580  
(716) 872-4503





63 VICTORIA, A. 1900

The following Elementary Schools established by different Societies in the Towns of Quebec, Montreal and Three Rivers received also special Grants of Money from the Provincial Legislature in the last Session, the Provisions of the Act 9 Geo. 4, Cap. 46, as explained in Paper No. 3, extending only to those in the Country Parishes.

	£	s.
Montreal, British and Canadian School.....	300	0
Montreal National Free School.....	200	0
Trustees Quebec British and Canadian School to build a School House, and support of the School.....	550	0
Trustees Chapel of St. Andrew, Quebec to build a School House.....	400	0
For a School House at Three Rivers.....	500	0
Quebec Society of Education for past claims, to build a School House, and support it for the present year.....	683	10
Quebec National School.....	100	0

NOTE B—No. 7.—MEMORIAL OF THE LEGISLATIVE COUNCIL OF UPPER CANADA ON EDUCATION.

(*Archives, Series Q, Vol. 354, p. 135.*)

To His Excellency Sir John Colborne, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada and Major General Commanding His Majesty's Forces therein &c., &c., &c.

May it please Your Excellency.

We His Majesty's dutiful and Loyal Subjects the Legislative Council of Upper Canada in Provincial Parliament Assembled beg leave to assure Your Excellency that we should do injustice to our feelings if we were to suffer the present Session to terminate without an expression of our sentiments upon a subject of so deep interest to the inhabitants of this Colony as that of Education.

We have beheld with great satisfaction the successful issue of the exertions made by Your Excellency to establish in this Province a Classical School of so superior a description that it will merit the appellation of a College and we earnestly hope it may receive on all hands the protection which is necessary to ensure its stability and to increase and perpetuate the inestimable benefits which it is at this moment conferring.

The legislature of this Colony has not hitherto lost sight of the obligation to provide for the diffusion of Education among all classes of the people. From an early period a Classical Seminary has been established in each District of the Province encouraged by a moderate Salary provided for the teacher from the public revenue, and Common Schools have been maintained at the public charge in most of the settled townships. It is hoped that the increasing means of the Country, will very soon justify the Legislature in putting those valuable institutions which have already been productive of much good, upon a still more respectable footing.

By an Act of the Royal munificence justly appreciated, our Gracious Sovereign has liberally endowed an University which in the course of a very short time will open to the Youth of this Province, the advantages of the higher branches of knowledge and complete a system of Education not to be exceeded on this Continent and afford them in their native Country the opportunity of obtaining Literary honours under the instruction of able professors from our Mother Country.

To give us the full benefit of such an institution by preserving to it the distinctive character of an University, it was wisely judged by Your Excellency that a great Public School or College ought to be established in a situation the most convenient to the Province generally in which the means might be afforded at a very moderate charge of advancing in classical learning and the Mathematics, upon a uniform system of instruc-

A. 1900

e Towns  
from the  
Cap. 46,

£	s.
00	0
00	0
50	0
00	0
00	0
83	10
00	0

ADA ON

ourable  
ada and

Upper  
cy that  
sion to  
erest to

s made  
erior a  
it may  
and to  
ferring.  
rovide  
eriod a  
ed by a  
Schools  
hoped  
utting  
upon a

ereign  
l open  
ge and  
l them  
nstruc-

netive  
Public  
to the  
arge of  
nstruc-

## SESSIONAL PAPER No. 8c

tion commencing with the elements and preparing the Youth for entering the University well qualified to improve to the utmost the advantages which will then be opened to them.

What was only designed a few months ago is now most happily accomplished, we have at this moment in Upper Canada the very gratifying distinction of possessing means of Education that leave the parents nothing to envy or desire in comparing the advantages of instruction enjoyed by their children with those which are presented by some of the first public schools in Great Britain.

We find five Gentlemen who have graduated in English Universities superintending the Classical and Mathematical Departments of Upper Canada College, while instruction in the very desirable accomplishments of the French language and Drawing is given by Masters highly qualified for the charge.

It is not surprising that this admirable provision for Education should so rapidly have attracted attention, that there are even now not less than ninety pupils in the College a flattering proof of the great extent to which its benefits will hereafter be felt.

We have no doubt that we may cordially congratulate Your Excellency upon the entire success of the judicious means employed in the selection of the Principal and Masters, and we welcome their arrival among us with the most sincere satisfaction, not questioning but that in the very extended field which they will find open to their important labours they will so exert themselves as to lay the foundation of incalculable good for future generations and procure to themselves the gratitude of thousands who by their instruction and example will be rendered virtuous and enlightened Members of Society.

We are not insensible to the responsibility which Your Excellency must have assumed in thus promptly carrying into effect so liberal a design, and in the humble hope that our testimony may contribute in some measure to relieve Your Excellency from its weight, we have now approached Your Excellency to express the unanimous conviction of the Legislative Council that every motive of sound policy concurs in pointing out the expediency of placing on a sure and permanent footing, an Institution which has had so conspicuous a Commencement.

We presume not to suggest resources nor to enter upon details which Your Excellency has doubtless duly considered and will not fail to submit to the paternal consideration of His Majesty's Government but content ourselves with declaring our opinion that so far from injuriously interfering with the University of King's College, this institution will eminently conduce to its utility and was necessary to prepare the way for the beneficial introduction.

We feel that the zealous exertions of Your Excellency in so speedily effecting this great public object has entitled Your Excellency to the gratitude of the people of Upper Canada, and we persuade ourselves that His Majesty's Government will not fail to perceive the incalculable advantage which must result from giving the most liberal support to Your Excellency's efforts in the cause of Education.

Legislative Council, 4th Day of March, 1830.

J. B. ROBINSON,  
*Speaker.*

NOTE B.—No. 8.—MESSAGE FROM SIR JOHN COLBORNE TO THE COUNCIL OF KING'S COLLEGE.

(*Archives, Series Q, Vol. 354, p. 291.*)

GOVERNMENT HOUSE,  
29th May, 1830

MESSAGE of Lt. Governor Sir J. Colborne, as Chancellor of King's College U. Canada, to the College Council.

Under present circumstances and while dissatisfaction prevails in the Province on account of the exclusive character of the Charter which has been granted for King's College; the Chancellor has no intention of proposing for the Council any ordinance

63 VICTORIA, A. 1900

relative to the expediency of erecting Halls or Buildings for the accommodation of the Professors who may be required immediately to carry into effect part of the Charter. The Chief object in opening a University in this Province is not only to secure an easy access to the Institution, but to make it so attractive that no doubt may exist whether Students can be better, and in every respect more conveniently qualified in their native land, to embrace a professional life than in other parts of North America.

As the first step towards the accomplishment of this, it is proposed to elect two or three eminent Professors, whose talents and reputation cannot fail of showing distinctly to the Province the great benefit that will result from their exertions.

It is not probable that more than ten students will be fit to take advantage of this tuition for some time, nor will any scholars from the Upper Canada College be properly qualified to enter the University in less than three years. But lectures which have reference to the formation of a Medical School in York should, it is supposed commence as soon as possible.

If two professors in science and one Professor in Classics should be appointed, the Council are requested to consider how far the funds of the Endowment will bear the Salaries that may be required to insure an election creditable to the University.

The University would confer an important benefit on the Provinces by establishing as soon as possible a full course of Medical Instruction. To carry this into effect it has been suggested that the duties of one of the Professors in Science should include not lectures on Anatomy and Physiology, but practical anatomy, and of the other Chemistry Materia Medica, and Natural History.

The Professor in Classics if a sound Classical Scholar that will do credit to British Scholarship in the eyes of the Canadians and of the United States—if he be a decided religious character, with temper, discretion and judgment, and qualified to be the prominent, and indeed the representative officer of the University for some years, the young men who are destined to be the guides of the scattered settlers of this Colony, might be placed entirely under his charge.

The Council will also consider whether two exhibitions of forty or fifty pounds each should not be formed for the encouragement of the Upper Canada College and the District Schools. These probably should be held for four years, and the candidates who are examined for them should be required to have been scholars of the Upper Canada College, or of a District school three years.

The first election might take place before the summer vacation of 1833. . . .

NOTE B.—No. 9.—MINUTE OF THE COUNCIL OF KING'S COLLEGE.

(*Archives, Series Q, Vol. 354, p. 294*).

SATURDAY, 29th June, 1830.

Present :

The Archdeacon of York,  
The Attorney General,

Hon. Chief Justice,  
Grant Powell, Esq,

Christopher Widmer, Esq.

The communication from His Excellency the Chancellor which was under consideration of the Council at their two last meetings, being again considered this day, it is therefore resolved,

1st. That the Council are exceedingly desirous of uniting with His Excellency the Chancellor in the necessary measures for enabling the University of King's College to answer the valuable ends of its institution with the least possible delay.

2nd. That under the system which the Council has pursued for disposing of the lands of the Corporation, the sales have already produced such a fund as will yield a very considerable income, and by acting upon the same system, the fund will be increased

## SESSIONAL PAPER No. 8c

certainly, and it is hoped rapidly, so that there is no doubt, in the opinion of the Council, that an adequate salary can be provided for two or three Professors, as soon as the necessary arrangements can be made for their accommodation.

3rd. That the Council fully concur in deeming it important that every exertion should be made to procure Professors of exemplary Characters and of the highest attainments in the several branches of literature and science under the superintendence of the Venerable President, whom His Majesty has selected, so that the University may Commence auspiciously, and may acquire early that Celebrity which the Province has a right to expect from the munificent Endowment bestowed upon it, and from the liberal character of its Charter.

4th. That in Order the better to accomplish this object, it is necessary that the salaries should be such as to afford inducement to men of eminence in the British Universities, and that in the opinion of the Council it will not be prudent to estimate the Salaries necessary for three Professors at a less amount than Sixteen Hundred pounds Sterling.

5th. That without encroaching upon the fund expressly granted by His Majesty's government for defraying the charge of erecting a suitable Building, the Council conceive they may safely anticipate an increase at the end of two years from this time, that will suffice to meet the expense of these Salaries, but that it would not be prudent to make engagements that would incur a greater charge at that period.

6th. That with respect to the time and manner of Commencing, the Council do not feel it safe to assume that no material injury would be occasioned by deferring the opening of the University for three years, or indeed for any period of time longer that must be consumed of necessity in making preparations.

That a classical school having been taught in each of the Districts of this Province for many years, some of which have been superintended and are now superintended by gentlemen who have had excellent opportunities of education in Great Britain or elsewhere in the British Dominions, and though it is probable that there may have been that diversity in the system and mode of instruction that it would take some time to prepare any of the pupils taught at these Schools for entering a University, with exactly those qualifications, which, for the sake of uniformity, it may be thought convenient hereafter to require, yet judging from the reception at Oxford of several Scholars from our District Schools, and from their progress there, it is not unlikely that there may be a considerable number of young men who before three years are over, ought, if it be possible, to have those advantages, which the system of University education would open to them, and who have acquired sufficient knowledge to enable them to improve those advantages.

The Council are also seriously impressed with the conviction that not a year passes but to some Young men so situated, the opportunity of thus perfecting his education is lost forever, and that several are in consequence annually entering upon Professional Studies with just such imperfections as the lectures of able Professors would have best supplied.

It seems therefore to the Council that the Circumstances of the Province justify no delay beyond that which must be occasioned by making the necessary preparations. If two or three years must elapse before these preparations can be made, it cannot be helped, and the necessity seems only the more urgent for an immediate application to the object.

7th. That with respect to Lectures which shall have reference to the formation of a Medical School, the Council deem it very desirable to embrace in the course of education at the University such instruction as would qualify a student for entering elsewhere upon Medical Studies properly so called; but having discussed this Subject much, and deliberated maturely upon it, the Council do not think that they would be acting judiciously in devoting any large portion of their income at present to the attempt to qualify persons at the University for the practice of the Medical Profession so far as the views of young men intended for that profession can be advanced by instruction in Chemistry, in Botany as connected with medicine, in the various branches of Natural Philosophy, which form part of a liberal education, and which have a general connection

63 VICTORIA, A. 1900

with Medical Sciences—those views may be promoted without injury to other objects, and if at an expense not excessive, students can besides this have the opportunity afforded them of a general course of instruction in Anatomy and Medicine under men of Ability, a valuable object will be gained, but the Council do not think it would be prudent to encourage the belief that students can be qualified for the practice of Physic and Surgery by the instruction they can receive here.

They must resort to the opportunities of experience to be found in large cities, the present circumstances of the Province, neither affording adequate means for illustrating the theory or exemplifying the practice and the Medical Profession is therefore that in which we can the least hope to supersede the necessity of seeking instruction out of the Province.

8th. That there is besides so little inducement to look to that profession as a provision that with every competent means of instruction within the Province, so far as instruction merely can go parents have scarcely in any instance shewn a wish to bring up their sons as Physicians or Surgeons.

Country practice is found to be a life of drudgery, very ill compensated, and our few large towns are adequately supplied when they contain each one or two Gentlemen of talent and experience. The Profession being open to those who have qualified themselves abroad an Ample number of Candidates for employment present themselves from among retired Surgeons from the army and navy, and from experienced practitioners from older and more populous Countries.

This will probably continue to be the case, and if it were not so, still a few young men educated among us would occupy the field for many years.

These considerations lead the College Council to the belief that it is not of such pressing importance to their Profession as to the others, that the benefit of King's College should be early felt, but they would only tend to deter the Council from diverting any large portion of their income at present to the express purpose of forming a Medical School.

All that can be done at a moderate expense to meet to the utmost the views of Medical Students, as well as others, the Council will gladly concur in, but they do not regard provision for this object so pressing as the necessity of providing for the interest of literature and general science.

9th. That instruction in Civil History, in Classical learning, in Moral Philosophy and Divinity seems to be more required. Natural Philosophy Chemistry, and the Mathematical Sciences must of course be provided for with as little delay as possible. Those who are to fill the Professions of Law and Divinity and to act in any of the various Departments of Public Service, and indeed all upon whom the interests of Society are mainly dependent, require those qualifications to enable them to discharge their part with credit, and the Council consider that in the order in which these are most necessary, provision should at once be made for them.

10th. That in the opinion of the Council Civil History and Classical learning including instruction in English Composition, may be made to form the Department of one Professor, Moral Philosophy and Divinity of another, and Chemistry and Natural Philosophy of a third. That such a course of instruction under eminent Professors would speedily establish the reputation of the University, and that a Professorship for the Mathematical Sciences, might, after a very short interval be added, if it could not be made to form a part of the first arrangement.

11th. That the Council would have much satisfaction in Uniting with His Excellency in the discussion and adoption of all such measures as are necessary for carrying into effect His Majesty's Gracious intentions in founding King's College. Among the first of which, it seems to the Council indispensable in this as in all other similar cases to make early preparation for accommodating the Institution with suitable Buildings, and this the Council respectfully consider according to the instruction which the charter has hitherto received, and agreeably to the system of proceeding in other corporations for similar purposes, is rather a matter to be resolved upon after open and general discussion in Council, and one that requires to be introduced in the first instance in the shape of a Statute, rule or Ordinance.



## SESSIONAL PAPER No. 8c

13th. That the Council concur in the expediency of erecting four Scholarships of forty pounds each upon the foundation of the University which Scholarships should be open to free competition of all young men educated within the Province and that each election should be for a term of four years.

In the general plan which must be adopted before the University can commence, the Council conceive that Provision may be made for the first election to be held before the summer vacation of year One thousand Eight Hundred and Thirty-three.

GEORGE MARKLAND,  
Registrar U. C.

NOTE B.—No. 10.—SIR JOHN COLBORNE TO MR. R. W. HAY,

(*Archives, Series Q, Vol. 354, p. 302.*)

Private.

YORK, U. CANADA,  
4th Oct., 1830.

MY DEAR SIR,—In forwarding my despatch to Sir George Murray, in reply to his communication respecting the formation of the College of Montreal, I beg leave to mention, that it does not appear to me that a University in that City will be thought a fit place by the Upper Canadians for the residence of young men while completing their education. The Seminaries and other Roman Catholic Institutions already established there, the kind of society, the distance from the Western districts would be objected to by many. Circumstances of which I am not aware may perhaps make it difficult to repeal the exceptionable Ordinances, at least, those which I think so, but whether they really are illiberal and repulsive or not, they must stamp the Institution as an exclusive one in this Country and furnish the factions with solid objections to endowing it with a splendid revenue at the command of the Council. But I hope Sir George Murray will think that a University at York will afford great encouragement to the minor Institution and offer inducements to the able masters in charge of it to continue here; and that the Colony requires the support of such establishments to attract the class of persons who are at present looking towards Upper Canada. The Province is certainly improving rapidly, and I am much pleased with the Settlers who have taken up their residence in it this season.

I had much conversation with Mr. Richards on the system of granting land, and how far emigration to this Province could be prudently encouraged.

We did not quite agree in our views nor in the number of acres on which emigrants could be placed.

The accompanying paper contains most of the points to which I wished to direct his attention before he framed his report.

I remain

My dear sir

Very faithfully yours,

J. COLBORNE.

R. W. HAY, Esq.,  
&c., &c., &c.

63 VICTORIA, A. 1900

## NOTE B.—No. 11.—EXECUTIVE COUNCIL OF UPPER CANADA ON DISTRICT SCHOOLS.

*(Archives, Series Q., Vol. 357-1, p. 97.)*

EXECUTIVE COUNCIL CHAMBER AT YORK.

Friday 29th April, 1831.

*Present :*

The Honourable James Baby, Presiding Councillor.  
 The Honourable and Venerable John Strachan, D.D., Archdeacon of York.  
 The Honourable Peter Robinson.  
 The Honourable George H. Markland.  
 The Honourable Joseph Wells.

To His Excellency Sir John Colborne, K. C. B., Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein &c., &c., &c.

*May it please Your Excellency :*

The attention of the Executive Council having been particularly directed to that part of Your Excellency's references of May 1830, recommending that the District Schools should be endowed with land, they have the honour to Report :—

That the original appropriation of Lands, made under the sanction of His Majesty's Government in 1798, in order to raise a fund for promoting Education consisted of five hundred and forty-nine thousand two hundred and seventeen acres. That subsequently, to facilitate settlements, and for other objects, the Government has from time to time granted to Individuals, or resumed in order to grant, these various portions of the Original Reservations, and replaced the same from Lands more recently surveyed.

That of the original Reservation there has been transferred to Government in lieu of the Crown Reserves with which the University of King's College has been endowed, two hundred and twenty-five thousand two hundred and seventy-three acres ; and by a recent order from His Majesty's Government, a Township has been set apart as an Endowment for Upper Canada College and Royal Grammar School, and that some portion of the remainder has from time to time been sold under the direction of the General Board of Education so that the School Lands at the disposal of the Government for increasing the means of Education in the District Schools, cannot be safely taken at more than two hundred and forty thousand acres, all of which are situated in the Midland Home and London Districts.

That the original Reservation was an injudicious selection, First, because confined to three Districts. Second, because made in whole Townships. Third, because several of these Townships are found to be very indifferent Land and containing much altogether unfit for cultivation. Notwithstanding the various changes in the original appropriation, and the several deductions made from it, the proportion left is still liable to these three objections ; it is therefore recommended that such Lots as are found bad, or indifferent, be exchanged for other Crown Lands more available, and that only parts, and not whole Townships, be retained, because it is impossible to dispose of Lands unless surrounded by Settlement, and the greater portion of what remains of the School Lands is far removed from the populous parts of the Province.

In regard to the endowment of the District Schools the Board appeared inclined to apportion the Reservation of School Lands equally among them under some such conditions as the following :—That no part of such endowment should be sold under Ten Shillings per acre ;

That only the interest should be expended.

That the principal arising from all sales be remitted to His Majesty's Receiver General to be invested in Public Securities, that the income might become regular and certain.

## SESSIONAL PAPER No. 8c

On further examination however, very serious, and in the opinion of the Board insurmountable difficulties, stand in the way of this arrangement.

First, only three Grammar Schools, can receive their endowment within their respective Districts, as the School Lands are at present situated.

Second, that the School Lands in the London District are far more valuable than those in the Home and Midland, and that in justice the whole endowment for any one School cannot be taken from the Reserves in the London District without prejudice to all the other Schools.

Third, that in consequence no District School can with propriety have the whole of its endowment in its own District.

Fourth, that the Trustees not having the endowment in their respective Districts, would find it exceedingly difficult to manage the sales of Lands at a distance.

Fifth, that the expense of management under such an arrangement would be very much increased.

Sixth, that the quality of the Lands is so different that with every care to make a fair distribution some endowments would be found more valuable and sooner available —while others might produce no revenue for many years.

Seventh, that such a result would not only give rise to jealousies, but retard the great object of the appropriation which is the gradual and uniform improvement of the District Schools throughout the whole Province.

That after giving this important subject their best consideration the Council has been forced to the conclusion, that the whole of the remaining School Lands consisting of about two hundred and forty thousand acres, should be placed under the direction of the General Board for the Superintendence of Education throughout the Province, an Institution which rests upon authority equal to that of any other Department in the Colony and which was not established without the full knowledge and approbation of both the Imperial and Provincial Governments.

That each District Board of Trustees for the District Grammar School be Incorporated with the General Board and communicate therewith by its Chairman or Secretary.

That the Treasurer of the General Board be directed to open a general account with the several Districts and to credit them with their proportion of the Interest arising from the money hitherto received, or hereafter coming into his hands from the sales of the said Lands.

That the Capital arising from such Sales be lodged in the hands of the Receiver General half yearly, to be invested in Public Securities, under the direction of the Governor in Council, and that the annual Income only be expended.

By this arrangement a District School Fund will be gradually accumulated, and although it may not for some time be considerable it cannot fail to be ultimately great; and it should be borne in mind that public Institutions of this kind are for the benefit of posterity, as well as the present generation, and can seldom be made extensively available when first established.

There is, however, little doubt but that from judicious exchanges which may be effected, and the rapid increase of Population the General Board will be able to give much assistance to the several District Schools at no distant period. This plan offers many advantages of great importance.

First, the General Board will virtually possess all the knowledge and experience of the several District Boards, from its communication with the Chairman, and an interest in its proceedings and success will thus be diffused through the whole Province.

Second, the improvement of the District Schools will be equal and uniform, a benefit of no small moment.

Third, should other Districts be formed, it will only require opening a new account in the Treasurer's Books, that it may receive its due share of the available Funds.

A General Reservation of Lands producing gradually a School Fund, instead of partial endowments, is supported by the example of such of the neighbouring States as have attended to the raising a permanent Fund for the purposes of Education, and doubtless from its superior advantages in simplifying arrangements, and facility and cheapness of management.

43 VICTORIA, A. 1900

Before closing the Report, the Council think it proper to advert to the assertion frequently brought forward that, the School Reservation might have been made long ago far more productive and yielded by this time a large disposable Fund.

It is on record (in a Report of Council dated the 1st December, 1798, soon after the appropriation was first made) that on examination, such was the cheapness of Land, viz. nine pence per acre, that the whole had it been sold would not have furnished a sum sufficient for the decent support of two Grammar Schools.

That so long as Millions of Acres were in course of Grant (which was the case till 1828) by the Crown in Fee Simple for almost nothing, and more than half the population were entitled from various causes to Gratuitous Grants, no Lands could be sold for any price near their value,—therefore sales of School Lands were delayed for more propitious times, nor has the conduct of Government differed in this respect from that of individuals, many of whom who are not wanting in a due regard to their own interests, have throughout the same period, and from the same temporary causes, derived no benefit whatever from the twenty, forty, fifty, or even one thousand acres which some of them have possessed, any objection therefore on this head, is evidently founded in error, and calculation founded upon the receipt of large sums of money derived from sales that could never have been effected, can only be brought forward by those who have not fully understood the subject.

Were the General Board for the Superintendence of Education constituted a Corporate Body, to enable it to hold Lands, &c. and the School appropriation relieved from Assessments till actually sold, its operations might be greatly facilitated.

All which is most respectfully submitted.

J. BABY,  
Presd. & Cr.'

NOTE B.—No. 12.—REPORT BY DR. STRACHAN.

(*Archives, Series Q, Vol. 357-1, p. 105.*)

YORK, 12th Oct., 1831.

SIR,—I have the honour in obedience to Your Excellency's command to present such information on the different establishments for the Education of Youth in this Province as the dispatch of the Right Honble. Lord Goderich seems to require. For its conciseness I am indebted to the clear and able documents furnished by the Bursar. His Majesty's Principal Secretary of State for the Colonies desires.—

*First.* "A return of all lands in the Province, which have been set apart for the purpose of Education, distinguishing these which have been reserved for the maintenance of a University or College from these which have been assigned to the support of Grammar Schools in the different Districts of the Province.

*Second.* A return shewing what proportion of the University or School lands have been sold, the date of the sale, the sum produced and the manner in which it has been appropriated.

*Thirdly.* A return of the University or School lands which are under lease, the gross amount of the Rents, the net amount which has been received, and the appropriation of the same.

*Fourthly.* A return shewing the expense which has been incurred in the erection of any buildings for the college, or School, or for the residence of the Masters, and the Fund from which the same has been defrayed.

*Fifthly.* A return of the different Establishments for the education of Youth in the Province of Upper Canada which are wholly or in part supported by the Funds arising from the University or School lands specifying the sum granted to each Seminary and the manner in which it is appropriated"—and having considered these several matters in connexion with the accompanying returns, I must respectfully report,

## SESSIONAL PAPER No. 8c

1st. That the original appropriation of lands made under the Sanction of His Majesty's Government in 1798 in order to raise a fund for promoting Education consisted of five hundred and forty-nine thousand two hundred and seventeen Acres. One half of which was from the first destined for the endowment of a University to be established at York, so soon as the Province required such an institution and the other moiety for the endowment of one Grammar School in each, and every District.

That of this original reservation there have been transferred back to Government in lieu of a portion of the Crown Reserves with which the University of King's College has been endowed by Patent, two hundred and twenty five thousand two hundred and seventy-three acres, and by a recent order from His Majesty's Principal Secretary of State for the Colonies a whole Township (or sixty-six thousand acres) has been set apart as an endowment for Upper Canada College and Royal Grammar School, leaving of the first appropriation two hundred and fifty-seven thousand nine hundred and forty-four acres, (including a small portion alienated by the General Board of Education, but of which the avails remain disposable for the support of District Schools.

2nd. That from the Bursar's return (number one) it will be seen that of the endowment belonging to the University of King's College, that there have been sold under the direction of the President and Council twenty-eight thousand two hundred and twenty-eight acres for the sum of thirty one thousand four hundred and fifty two pounds fifteen shillings, averaging something more than twenty-two shillings currency per acre, not that all this sum has been actually received, the sales are on credit made payable in ten equal instalments. One on making the purchase—the other nine in so many successive years bearing interest.

That of the sixty six thousand acres forming the endowment of Upper Canada College and Royal Grammar School no portion has been yet alienated, but it is now placed in course of sale for the purpose of repaying the University of King's College, and the General Board of Education certain advances and of forming a permanent fund to defray the current charge of the Institution.

That the remaining lands for the support of District Schools are open for sale, and rather more than twelve thousand acres have been disposed of, which after the deducting the contingencies of sales and expenses of the Board leave £5,012.9.3 advanced in loan to Upper Canada College and Royal Grammar School to be repaid with interest and consequently to be considered as still unappropriated.

Thirdly. That there is no portion of the lands forming the endowment of Upper Canada College, and Royal Grammar School or of the lands which still remain, for the support of the District Schools under lease. But in regard to the University of King's College the greater part of the endowment is under lease, and the portions alienated have been chiefly to Lessees who have the preference. The portions leased produce an annual revenue of about £1,200 Currency, but this sum diminishes gradually as the Lessees purchase in fee.

Fourthly. That the Buildings erected for Upper Canada College and Royal Grammar School, which are nearly completed, consist of a commodious school-house, residences for the masters and a large Boarding House for the pupils, upon which have been expended twelve thousand three hundred and twenty-three pounds sixteen shillings and four pence, and their completion may perhaps swell the amount to fifteen thousand pounds.

That these sums have been advanced by the General Board of Education, and the Chancellor, President and Council of King's College, to be repaid with interest from the avails of the sixty-six thousand acres, with which Upper Canada College and Royal Grammar School has been endowed.

That the Chancellor President and Council of the University of King's College, have been able to make these advances, as the University has not yet been suffered to go into operation or to commence the erection of any buildings.

Fifthly. That there are twelve eleven (*sic*) Grammar Schools one for each District established by Provincial Statutes granting a salary for the Master of £100 currency per annum, which are entitled to assistance from the proceeds of School lands, but to none of them has any assistance been yet given. There is however a sum of £5,012

63 VICTORIA, A. 1900

9a. 3d. at interest, which may be appropriated for their benefit, and measures are taken by the General Board of Education, which has Members in every District of the Province to render the lands set apart for their support consisting as mentioned above of 257,944 Acres available by sale or otherwise and from the rapid increase of population the Board soon hopes to raise a Fund producing such an annual revenue, as shall enable them to give these Seminaries efficient encouragement.

It may not be irrelevant to notice the causes which have hitherto rendered the School reservations comparatively unproductive. Till 1828 Millions of Acres were in course of Grant in this province by the Crown in Fee simple, for almost nothing and more than half the population had become entitled from various causes to lands gratuitously therefore lands could not be sold for any price near their value. This induced the Colonial Government to postpone the sale of the School lands for more propitious times, nor has the conduct of the Government differed in this respect from that of Individuals many of whom, who are not wanting in a due regard to their own interests have, through the same period, and from the same temporary causes derived no benefits whatever from the twenty, fifty, or hundred thousand acres, which some of them possess.

But the great emigration which has now commenced, and the astonishing natural increase of the population begin to offer a brighter prospect, and will soon present a fair market for all lands, which are to be disposed of.

I have the honour to be,

Your Excellency's Most Obedt. Humbl. Servt.,

JOHN STRACHAN, D.D., LL.D.,

President of the University of King's College,

His Excellency Major General

Sir John Colborne, K.C.B.

NOTE B.—No. 13.—SIR JOHN COLBORNE TO LORD GODERICH.

(*Archives, Series Q., Vol. 357-1, p. 92.*)

UPPER CANADA,

YORK, 25th October, 1831.

MY LORD,—With reference to Your Lordship's despatch of the 25th June in which information is required respecting the different establishments for the Education of Youth in this Province, I have the honour to forward the accompanying documents; and to observe that in Compliance with an address to the King from the Legislative Council and House of Assembly in the Year 1797, praying "that a certain portion of Waste Lands of the Crown might be appropriated for the establishment and support of a respectable Grammar School in each District—and also a College or University for the instruction of Youth in the different branches of liberal knowledge," the Secretary of State for the Colonies expressed His Majesty's intention to comply with the wishes of the Legislature in such a manner as should be judged most effectual, first, by the establishment of Free Grammar Schools in the Districts in which they were called for, and in due time by establishing other Seminaries of a larger and more Comprehensive nature for the promotion of religious and moral learning, and the study of the Arts and Sciences; and directed that the Executive Council and Law officers, should be consulted on this subject.

In consequence of these instructions, the local Government in 1798, recommended twelve Townships to be set apart for the purposes of Education or about 549,217 acres: and it appears that none of these reserves were alienated till the Year 1823 when Lord Bathurst authorized a General Board of Education to be formed, and a portion of the Reserves to be applied, under the management of the Board toward raising a fund for the Establishment of Township Schools.



## SESSIONAL PAPER No. 8c

In the Year 1827, His Majesty's Government ordered 255,273 Acres of the lands originally set apart for the purposes of education to be transferred to the Crown in lieu of the Leased Crown Reserves granted to the University as an endowment for that Institution; and lately 66,000 Acres have been set apart for the support of Upper Canada College and Royal Grammar School and for the purpose of raising a fund from which the advances made to establish that Seminary by the University Council and by the Board of Education, may be repaid. Thus out of the 549,217 acres originally set apart there now remain available for the purposes of Education 256,934 Acres, exclusive of about 12,000 Acres sold by the General Board of Education.

The annexed report of the Executive Council and the letter from Archdeacon Strachan will afford Your Lordship further information on these subjects.

There is a Grammar School Established in each District under the direction of Trustees appointed by the Lieutenant Governor. A Salary of one hundred pounds per annum is granted by a Provincial Act to the Master of each of these Schools.

The sum of Two hundred and fifty pounds per annum, is also granted by Statute to every District for the support of Common Schools, to be divided among the schools consisting of not less than twenty Scholars; provided the salary paid to each Master does not exceed eleven pounds five shillings per annum, from the public funds. These schools however are very inefficient.

The accompanying abstracts of the accounts of the General Board of Education, marked Nos. 1, 2 and 3, contain a statement of the Receipts and Expenditure of the funds arising from the sales of Lands set apart for the purpose of Education; and the expense which has been incurred in aiding Schools.

The returns of the Lands sold by the Board, and the dates of the sales will be furnished at a future time. They have not yet been received in consequence of the number of Agents that are employed in different parts of the Province by the Board.

The Abstracts of the Accounts of King's College marked 1, 2, 3, 4, 5 and 6 shew the proportion of University Lands which have been sold, the dates of the sales, the sum produced, and the manner in which it has been appropriated. Also the Lands under Lease, gross amount of rents, the net amount received, and the appropriation of the same.

The Abstracts of the Accounts of Upper Canada College and Royal Grammar School, shew the expenses which have been incurred in erecting buildings for the College or Schools, and residences of Masters, and the funds from which the same have been defrayed.

I have the honour to be my Lord,

Your Lordship's most obedient humble servant

J. COLBORNE.

The Right Honourable

Lord Viscount GODERICH,

&c., &c., &c.

IA, A. 1900

asures are  
strict of the  
ioned above  
e of popula-  
ue, as shall

ndered the  
res were in  
nothing and  
es to lands  
alue. This  
s for more  
spect from  
o their own  
ses derived  
ich some of

ing natural  
esent a fair

College.

1831.

ne in which  
ucation of  
ments; and  
ive Council  
n of Waste  
rt of a res-  
sity for the  
ecretary of  
o wishes of  
by the es-  
ed for, and  
prehensive  
e Arts and  
e consulted

ommended  
217 acres:  
when Lord  
tion of the  
a fund for

## NOTE C.

## REPORT ON THE CIVIL AND OTHER ESTABLISHMENTS OF UPPER CANADA.

(*Canadian Archives, Series Q., Vol. 357-2, p. 282.*)

UPPER CANADA,

YORK, 12th December, 1831.

MY LORD,—With reference to your Lordship's Circular Despatch of the 10th January, requiring an explanatory statement to be forwarded annually with the Blue Book ; I have the honour to observe that all the Returns and Documents necessary to complete the details of the general establishment of the Government and statements of the population of the Colony are seldom received before the end of April, and that, this year, from various accidental circumstances, the transmission of the Blue Book has been delayed for several months.

*Civil Establishment.*

The Civil Establishment of the Colony may be divided into three classes. 1st. The Lieutenant Governor, Executive Council, and the officers of the Departments performing their respective Duties at the seat of Government ;—2nd. Officers attached to the Provincial Legislature ;—3rd. District appointments Collectors of Customs and Inspectors of Licenses.

The Lieutenant Governor transacts the public business of the Province under his immediate direction through the Civil Secretary and the Government Office, in which all warrants for the Issue of monies, either for District or general purposes are completed, and the chief business of the Province carried on.

The Executive Council is Composed of Six Members, five of which receive a Salary of £100 per annum.—In the absence of the Lieutenant Governor, the Senior Member of the Council presides.

The labours of the Council have lately much increased, in consequence of the number of applications and memorials connected with the distribution of lands, the occupation of them by Settlers and erroneous surveys and locations. The Chief Justice having retired from the Council, much inconvenience will be experienced from his removal except an intelligent Barrister qualified to act as Chairman can be appointed to the Council. One Clerk in the Council office has been lately reduced.

The duties of the Secretary and Registrar of the Province are confined to the preparing and engrossing of all Instruments which pass under the Great Seal for the signature of the Lieutenant Governor, and of registering them and all public Instruments and Land Patents.

The Surveyor General's Office is become one of the greatest importance. The continued reference that must be made to it from every part of the Province for the purpose of obtaining information respecting Surveys of an early period and claim for Lands, and the necessary constant attendance of the Surveyor General at his Office to answer the applications of settlers, require that the person at the head of this Department should be well acquainted with the Province, and patient active and zealous in discharging his duties. The Deputy Surveyors, or licensed Surveyors, residing in each District receive no Salaries, but are liable to be called on to survey particular tracts, for surveying which they are paid by contract. Till within the last three years the Deputy Surveyors were paid by granting them a certain portion of the Land of the Tract Surveyed. This system has thrown a great quantity of the best Land in the

## SESSIONAL PAPER No. 8c

Province into the hands of Surveyors. Although this mode of payment appears objectionable there were formerly no other means of remunerating them for their labour.

The duties of the Commissioner of Crown Lands are not less important than those of the Surveyor General—in obtaining information and diffusing it to settlers who intend to purchase Wild Lands or occupy Clergy Reserves.

His duty has been during the last two years considerably increased by the Active part he has taken in locating indigent emigrants under the direction of the Lieut. Governor.

The Receiver General is responsible for all Monies arising from Duties or Taxes, as well as the Casual and Territorial Revenue of the Crown. His emoluments have been considerably reduced by a late Provincial enactment called the "Poundage Bill."

The Inspector General of Accounts has under his immediate Charge all Collectors, and is responsible that their accounts are transmitted with regularity. The estimates for the annual supplies and the accounts of the Expenditure and Revenue of the Province are arranged in his office, and brought by him to the Lieutenant Governor for the examination of the House of Assembly.

The Officers attached to the Legislative Council and House of Assembly have hitherto been appointed by the Lieutenant Governor, but the House of Assembly has at different times claimed the right of appointing all their own Officers, and last Session passed resolutions to that effect. To prevent any inconvenient discussion, I should recommend that instructions should be forwarded to the Lieutenant Governor to guide him in his decision how far he is to admit the claims of the Assembly to appoint their own Officers; or to maintain the right of the Crown to adhere to former precedents and to appoint the Clerk of the House of Assembly, the Sergeant at Arms and the Chaplain. The Services of the Chaplain have been discontinued this Session by a vote of the House. The Salary is paid in conformity to the permanent Act.

Each District has a Sheriff and Clerk of the Peace and every County a Registrar. These Offices are held during pleasure; their Salaries are provided by the Legislature, and their Emoluments regulated by Statute.

The influence and authority of Sheriffs may be very beneficial to the interests of the Province, if they are well qualified for their offices. The most of the present Sheriffs are active and intelligent.

On the Clerks of the Peace are imposed the duties of transmitting to the Government the assessment Rolls and returns of ratable property. The correctness of the returns of the Population depend on his activity and intelligence.

The Registrars of Counties have an office established in the most convenient situation for the public to record Memorials of Deeds Wills &c.

The Collectors are appointed under the authority of a Provincial Act, by the Lieutenant Governor at all ports declared Ports of Entry:—their quarterly returns and accounts afford no information of the amount of exports or Imports.

*Revenues and Expenditure.*

The Revenue of the Province last year under the control of the Provincial Legislature amounted to about £42,600 Currency, the Expenditure to £29,803 including the Interest for the Public Debt.

The Revenue under the control of the Crown, viz. the Casual and Territorial Revenue, and that arising from the Duties levied under the 14th Geo. 3rd, Ch. 88, amounted to £37,060, the expenditure £25,300.

The public Debt of the Province has been chiefly incurred in raising means for carrying on the Welland Canal, Burlington Bay Canal and repairing Roads. It amounted in 1830 to £141,166, but at the end of the year Debentures to the amount of £12,800 were redeemed.

The assessed Taxes levied under the Authority of Provincial Statutes in the several Districts are expended, with the sanction of the Justices of the Peace in Quarter Sessions, on the Roads, in defraying the charges for the allowance to Members of the Provincial

63 VICTORIA, A. 1900

Parliament and in erecting Court Houses and other District Buildings. These Taxes are levied on certain descriptions of Property at a rate not exceeding one penny in the Pound of the Stated Value.

They are collected annually in each Township and paid into the District Treasury. The Wild Lands are estimated at 4s. per Acre ;—the proceeds of this Tax are expended in repairing and Constructing Roads.

#### *Military Establishment.*

For some years two British Corps have been stationed in Upper Canada. One of them is quartered at Kingston for the purpose of taking the duties of the Dock Yard and Forts and protecting the Naval Stores. The Head Quarters and three Companies of the other are established at York. The remaining Companies are stationed at Niagara, Amherstburg & Penetanguishene. There are Forts at York, Kingston and Niagara all of which are in a dilapidated State, and are useless as places of defence.

The Militia Forces consist of three Companies of Artillery, nineteen Troops of Cavalry and fifty-nine Battalions of Infantry, and are composed of persons between the ages of Eighteen and Forty. The Rank and File of this force amount to 30,000 men they are neither clothed nor armed—and from the dispersed state of the population and under the existing Laws by which they are called out, it will not be possible to form a respectable force. The Militia are under the command of the Lieutenant Governor, who is assisted in preserving its present organization by an Adjutant General—the only officers receiving Salaries. The casual expenses incurred by Corps are defrayed from the fines levied by Act of Parliament for the non-attendance of Militia Men on the days of Assembly.

#### *Judicial Establishment.*

The Court of Appeal consists of the Lieutenant Governor, Chief Justice and Executive Council to which all determination of the inferior Courts can be removed by writ of error.

The Court of King's Bench consists of the Chief Justice and two Puisne Judges—the Court is open during the four terms of Hilary Easter Trinity and Michaelmas.

The Chief Justice and the two Puisne Judges sit in the Courts of Oyer and terminer at the Spring and Autumn Assizes—there are three Circuits, viz. Home Eastern and Western.

The Attorney General conducts all criminal prosecutions on behalf of the Crown, and is held responsible for drafting all public Instruments under the Seals.

The Solicitor General may be called on to perform similar duties.

The Barristers are admitted to practice in the Law Court after having passed an examination before the Law Society. They all practise as Attorneys.

The District Magistrates are appointed by the Lieutenant Governor.

A Commission of the Peace is issued as Magistrates are required in particular Townships. The Quarter Sessions are held at the County Towns. The Magistrates are also authorized by Statutes to hold Courts of Request, for the adjustment of small claims. A District Judge presides at the District Courts during the quarterly terms for the Trial of Civil Causes to the amount of forty pounds. The Clerk of this Court files the papers, records and proceedings of the Court.

#### *Court of Appeal.*

There have not been more than three or four Appeals in this Province. The Court of Appeal has been hitherto guided in its practice by the ordinances of Quebec, as far as the Institutions of this Province would admit of it.

There appears a doubt whether the Chief Justice is now entitled to sit in the Court of Appeal, as he is no longer a Member of the Executive Council. It certainly is not desirable that the Lieutenant Governor should be called on to preside. A case of appeal has lately been brought forward in which neither the Chief Justice, Attorney General nor Solicitor General could be committed—they having been engaged by the parties while the case was before the Court below. An extraordinary Court, a Court of Equity, is much required in the Colony to afford relief in cases in which it cannot be obtained by Common Law.

## SESSIONAL PAPER No. 8a

The many instances of erroneous Patents which cannot be cancelled seem to demand that an equitable jurisdiction should be established for the disposal of such cases.

*Ecclesiastical Establishment.*

The Ministers of the Church of England receive their Salaries from the funds placed at the disposal of the Society for the propagation of the Gospel in foreign parts. There are thirty-seven Missionary Establishments under the direction of the Bishop of Quebec assisted by two Archdeacons. By the Constitutional Act the Lieutenant Governor is authorized, in Council, to form Parishes and to make endowments for the support of a Minister. Besides the Land set apart by the Act for the support of a Protestant Clergy, there are also certain Glebe Lots in different Townships reserved for the same purpose.

The Roman Catholic Clergy are under the control of Bishop McDonell who was last year appointed Bishop of Regiopolis. The Presbyterians in Communion with the Church of Scotland have about twenty Ministers officiating in Churches established in various parts of the Province.

There are also about Eighteen Congregations of Presbyterians unconnected with the Church of Scotland, they have recently expressed a desire to unite with the Church of Scotland: but the members of the latter have not considered themselves authorized to accede to their proposals.

The Episcopal Methodists under the direction of the Canadian Conference have about sixty Preachers and it is said, about forty thousand Communicants.

*Education.*

The School lately established at York for the instruction of the Youth of the Province in the Greek and Latin Classics, English, French, Mathematics, and design is conducted by a Principal and Seven under-Masters. The day Scholars receive their education at the School for £8 per annum, and Boarders may be accommodated at a Boarding House of the Establishment for £25 per annum. The Seminary is styled Upper Canada College and Royal Grammar School. About 120 Pupils, from different parts of the Province have been admitted. The Institution is under the control of the Lieutenant Governor and Board of Education.

An Institution supported by His Majesty's Government, is also established at York for the instruction of the children of mechanics and labouring classes, it is called the central School, and about 300 Boys and Girls generally attend.

A Grammar School is established in the Principal Town of each District under the direction of Trustees appointed by the Lieutenant Governor. A Salary of One Hundred per annum is granted by a Provincial Act to the Master of each of these Schools.

The Sum of Two Hundred and fifty Pounds per annum is also granted by Statute to every District for the support of the Common Schools, to be divided among the Schools, Consisting of not less than twenty scholars, provided the Salary paid to each Master does not exceed eleven Pounds per annum. These Schools from the dispersed State of the Population and the inadequate Salary allowed for a Master are of little use.

The University of King's College has not yet been opened. The Lands with which it has been endowed by His Majesty's Government continue to be sold at not less than four Dollars an Acre.

A School under the Superintendence of a respectable Master is much required in every Township where the population is Considerable.

The District Schools may be soon improved by the Sale of Lands set apart for the support of Schools.

The Episcopal Methodists have raised subscriptions to a large amount for the purpose of establishing a Seminary at Cobourg in the New Castle District.

*Commerce.*

The exports of the Province consist of Wheat, Flour, Pork, Potash and lumber. The Imports consist chiefly of Clothing, Hardware, Earthenware and every description of British Manufacture. No correct information can be obtained as to the extent of

63 VICTORIA, A. 1900

the Imports or Exports. From the importance of the increasing Trade of the Province it appears desirable to establish an office at Coteau du Lac and at some convenient point on the Ottawa, where entries of all produce might be made.

The sales of most of the Merchants settled near the St. Lawrence and Lake Ontario have doubled in three years. During the last year 300,000 Barrels containing wheat flour, and pork passed the St. Lawrence and 316,000 this year.

The articles for consumption are generally consigned to a forwarding Merchant at Montreal and enter this Province without inspection.

The Lumber Trade on the Ottawa rapidly increases.

#### *Agriculture*

The value of land is rapidly increasing. The Western Districts can now dispose of their surplus Produce to great advantage.

In the Newcastle and Midland Districts the improvements are most striking. Wheat was sold last year at 6s. 3d. per Bushel. In the Western District the difficulty of transporting their produce to Market retarded their improvements before the opening of the Welland Canal.

At Cobourg in the Newcastle District the cultivation of Hemp has been introduced.

In the Western District a considerable quantity of Tobacco is grown and prepared for the Montreal Market.

From the reports of the persons appointed to explore the Country between Lake Huron and the Ottawa, the land in the route from the Ottawa to Lake Nipissing about one hundred Miles Northwest of any Surveyed Township is fertile; and there are more than forty Farms established in that distant tract, for the purpose of supplying persons engaged in the Lumber Trade with provisions.

#### *Grants of Lands.*

Numerous free Grants of Land have been made last year to Military men permitted to settle in the Province.

#### *Public Works.*

The Public Works which have been undertaken are all nearly completed, viz. :—the Kettle Creek Harbour and Lake Erie, Burlington Canal, a communication from the Bay with the Ontario and Welland Canal, and a new Cut direct to Lake Erie, Oakville Harbour on the Lake Rideau Canal.

The Public Buildings erected in York and other County Towns, have employed many emigrants. Two extensive Buildings have been erected in which the Sessions of the Legislature will in future be held, and for the Public Offices at York. New Gaols have also been built at Hamilton and Cobourg.

#### *Population.*

By returns received in April last, the population of the Province amounted to 234,000 being an increase since 1829 of 38,632.

I have the honour to be

My Lord  
Your Lordship's  
Most Obedient  
Humble Servant,

J. COLBORNE.

The Right Honourable,  
LORD VISCOUNT GODERICH,  
&c., &c., &c.



## STATE PAPERS, LOWER CANADA.

GOVERNOR SIR J. KEMPT, 1829.

1828.

## Q. 187—1.

December 2,  
Quebec.

Caldwell to Kempt.

December 3,  
Quebec.

Report of the Attorney General on the affairs of Caldwell.

December 24,  
Quebec.

Message by Kempt to the Assembly on the affairs of Caldwell. This and the two preceding enclosed in Kempt to Murray, 4th February, 1829.

1829.  
January 7,  
Quebec.

Kempt to Murray (No. 1). Doubts exist as to the validity of Pyke's commission as a puisné judge; transmits the opinion of the Attorney General of the province with other documents. Had ordered a new commission to issue although Pyke was anxious that a final decision should not be come to till the opinion of His Majesty's government should be known. Transmits further paper from Pyke. Page 1

*Enclosed.* Representation by Pyke on the validity of his commission as puisné judge. 3

January 9,  
Quebec.

Report by a committee of Assembly on Caldwell's case.

January 26.

Observations by the Attorney General on report of Assembly on Caldwell's affairs. Both enclosed in Kempt to Murray, 4th February, 1829.

January 28,  
Quebec.

Kempt to Murray (No. 2). Transmits address from the Assembly to be immediately supplied with a copy of the chart of such part of the St. Lawrence as has been scientifically surveyed by Bayfield. 49

*Enclosed.* Resolution of the Assembly on the subject mentioned in the preceding letter. 50

February 4,  
Quebec.

Kempt to Murray (No. 3). Transmits accounts of the revenues from the sale of Crown lands and of timber, with remarks. Explains the reason for the amount paid to Upper Canada as a proportion for improving the timber channel of the Ottawa, and encloses letters to show how the expense was authorized to be made on various occasions. The insufficiency of the receipts to pay more than the salaries. Has been unable to pay Gordon the £100 ordered on account of Buchanan; as soon as the amount has been received he shall remit it. The limited service that Buchanan can afford the emigrants. 52

*Enclosed.* State of the land fund. 60

State of the timber fund. 61

Report by John Davidson, surveyor general, to Yorke. 62

Statement of the advances for the improvement of the timber navigation of the Ottawa. 65

February 4,  
Quebec.

Kempt to Murray (No. 4). Transmits papers respecting Caldwell, late Receiver General. Account of proceedings in Caldwell's deficiency previous to his (Kempt's) arrival for which the Treasury does not admit liability. Has submitted to the Council and Assembly a second report of the Attorney General on the subject. List of papers transmitted. 66

*Enclosed.* Message to the Assembly transmitting second report from the Attorney General on the affairs of Caldwell. 71

63 VICTORIA, A. 1900

1820.	The report of the Attorney General.	Page 75
	Caldwell to Kempt. Asks that during the course of the lawsuit he may be secured in the possession of Lanzon for a term of five or seven years, instead of being regarded as a yearly tenant.	78
	Report by a committee of Assembly on the affairs of Caldwell, late Receiver General.	82
	Observations of the Attorney General on the Assembly's report.	90
February 5, Quebec.	Kempt to Murray (No. 5). Transmits proceedings of the Governor in Council from 2nd May to 31st December, 1828.	95
February 5 Quebec.	The same to the same (No. 6). In accordance with order from Bathurst to Dalhousie, W. B. Felton has applied for a grant of 5,000 acres "with the usual reservation for children and labourers." In virtue of this clause he has applied for 1,200 acres for each of his children, nine in number. Does not feel justified in making so large a grant without further authority.	96
February 5, Quebec.	The same to the same (No. 7). Transmits address from the Legislative Council with the exposition which accompanied it.	98
	Enclosed. Address with exposition of such parts of their public conduct as have been made subjects of animadversion.	99
	Exposition.	101 to 127
	Appendix No. 1.	128 to 214
	Appendix No. 2.	214 to 229
	(The minutes of the Legislative Council contained in the appendix are in English and French.)	
February 7, Quebec.	Kempt to Murray (No. 8). In reference to the inquiry about the appointment of Daly to be provincial secretary reports that Montizambert had acted as such for six years and had been a servant of the Crown for 33 years. The office seems better suited for a man of his age than for a young man, but Daly, who occupied it when he (Kempt) arrived, had fulfilled the duties with diligence and zeal and had been correct and regular.	230
February 8, Quebec.	The same to the same (No. 9). Forwards and recommends the memorial of the members of the Church of Scotland in St. Gabriel street, Montreal, for a salary of £100 to the two officiating ministers of their Church.	232
	Enclosed. Memorial.	235
February 12, Quebec.	Kempt to Murray (No. 10). Submits estimates and plans for canals on the Ottawa.	241
	For estimates, see Q. 187-2. pp. 249 onwards.	

## GOVERNOR SIR JAMES KEMPT, 1829.

## Q. 187-2.

1827. December 26, Montreal.	Du Vernet to Darling.	
1828. January 10, Montreal.	The same to the same. Both enclosed in Kempt to Murray, 12th February, 1829.	
January 26. Quebec.	Dalhousie to Gale. Enclosed in Kempt to Murray, 26th February, 1829.	
January 30, Quebec.	Dalhousie to Huskisson. Enclosed in Kempt to Murray, 12th February, 1829.	
July 4, Quebec.	The same to the same. Enclosed in Kempt to Murray, 22nd February, 1829.	

Page 75  
 vsuit he  
 r seven  
 78  
 ell, late  
 82  
 t. 90  
 overnor  
 95  
 r from  
 00 acres  
 irtue of  
 nine in  
 without  
 96  
 Legisla-  
 98  
 lic con-  
 99  
 to 127  
 8 to 214  
 to 229  
 dix are  
 out the  
 ntizam-  
 Crown  
 ge than  
 arrived,  
 ect and  
 230  
 ds the  
 street,  
 of their  
 232  
 235  
 canals  
 241

## SESSIONAL PAPER No. 8c

1828.

December 22,  
Montreal.

Estimate on Grenville Canal. Enclosed in Kempt to Murray, 12th February, 1829.

December 31,  
Montreal.

Answer of Roux. Enclosed in Kempt to Murray, 23rd February, 1829.

No date.

Estimate of probable cost of a canal at Chute à Blondeau.

Additional report on the Chute à Blondeau.

Estimate of the probable expense of a canal at the Carillon rapids.

This and the two preceding documents enclosed in Kempt to Murray, 12th February, 1829.

Report follows.

Memorial from the Roman Catholic clergy of Lower Canada.

1829.

February 4,  
Quebec.

Bishop (Roman Catholic) of Quebec to Kempt. Both enclosed in Kempt to Murray, 23rd February, 1829.

February 12,  
Quebec.

Kempt to Murray. For letter see Q. 187-1.

Page 241

Enclosed. Estimate for completing the works at the Grenville Canal.

Estimate of the probable cost of a canal at the Chute à Blondeau. 249

Report by Du Vernet. 255

Estimate of the probable cost of a canal at the Carillon rapids. 259

Report. 256

Dalhousie to Huskisson. Refers to former correspondence respecting the Grenville Canal, with which the present project is materially connected. Its uselessness without canals on the lower rapids. 260

Du Vernet to Darling. Has had plans made and levels taken of the Chute à Blondeau and Carillon rapids. As the excavation is almost entirely rock, the work should begin as early as possible. 262

Additional report on the Chute à Blondeau. 264

Du Vernet to Darling respecting the canals. 268

Statement of expenses incurred on the Grenville Canal. 272

Plan of the little channel on the Chute à Blondeau. 273

Plan of the Carillon rapids. 274

February 15,  
Quebec.

Kempt to Murray (No. 11). Acknowledges the receipt of various dispatches. 275

February 19,  
Quebec.

The same to the same (No. 12). Transmits letter from the Lord Bishop of Quebec regarding the claims of the Church of Scotland to a share of the benefits of the clergy reserves. Previous letters had remained unanswered. Had assured the Bishop that no hasty decision would be arrived at. 278

Enclosed. Bishop (Anglican) of Quebec to Murray. Considerations in respect to the claims of the Church of Scotland to a share of the clergy reserves. 280

February 20,  
Quebec.

Kempt to Hay. Reports the expulsion from the Assembly of Christie, the member for Gaspé; sends documents relating to the expulsion. 284

Enclosed. Third report of a special committee of the Assembly on the bill for the qualification of justices of the peace. 286

The same in French. 301

Temoignage. 315

Petition objecting to the proceedings of the committee and praying that judgment be suspended on the report. 404

February 20,  
Quebec.

Kempt to Hay (private). Had begun receiving his salary as Governor in Chief on the 9th September. Is therefore entitled to his full salary as Lieut.-Governor of Nova Scotia to the 8th September inclusive, will draw for that amount. 424

February 22,  
Quebec.

The same to Murray (No. 13). Calls attention to the correspondence respecting Justice Bowen's claim to compensation for the loss of his office of French translator. The history of the case, Dalhousie's recommendation and his hope that the Assembly will agree to meet Bowen's claim. 425

63 VICTORIA, A. 1900

1829.

*Enclosed.* Dalhousie to Huskisson. Reports that in his opinion Judge Bowen is entitled to his full salary as an allowance for the abolition of the office of French translator. Page 429

February 23,  
Quebec.

Kempt to Murray (No. 14). The need for caution in attempting to reduce or alter the Indian Department. Shall send the result of his communications with Colborne and the most experienced officers. In the meantime agrees to the expediency of dividing the department between the two provinces giving the control in each to the officer commanding the troops. 431

February 23,  
Quebec.

The same to the same (No. 15). Dissatisfaction of the Roman Catholics at the arrangement about the seminary estates made with Roux. Transmits petition from the Roman Catholic clergy on the subject to be laid before His Majesty. Had communicated this to Roux for his observations, and now submits his answer. Information of the value, &c., of the estates is already in possession of government, but he is sending additional information. 434

*Enclosed.* Answer of Roux to the memorial from the Roman Catholic clergy. 438

Roman Catholic Bishop of Quebec to Kempt. Requests him to forward memorial respecting the estates of the Seminary. 441

Memorial from the Roman Catholic clergy of Lower Canada respecting the estates of the Seminary of Montreal. 443

February 23,  
Quebec.

Kempt to Murray (No. 16). Transmits memorial from Hertel de Rouville for 7,600 acres, in which he states the service of his ancestors and himself; asks for authority to grant him the 800 acres to which his rank entitles him and to grant him also a further quantity not exceeding 1,200 acres for his father's services. 454

February 24,  
Quebec.

*Enclosed.* Petition from Hertel de Rouville for a grant of land. 457  
Kempt to Hay (private). His unfavourable opinion of the system of disposing of the Crown lands. Had advised against it in Nova Scotia. Asks that a copy of his letter to Wilmot Horton on the subject be laid before Murray. 461

February 25,  
Quebec.

The same to Murray (secret and confidential). Had received copy of secret dispatch addressed to his predecessor in respect to the official position of Barrie on the lakes. 466

February 26,  
Quebec.

The same to the same (private and separate). Has been applied to for redress by officers of Militia dismissed by Dalhousie. Cannot interfere with the acts of his predecessor, who would no doubt explain to His Majesty the reason for his acts. Hopes the course he has adopted will be approved of. 470

February 26,  
Quebec.

The same to the same (No. 17). Has received duplicate of the dispatch of October, which transmitted papers and affidavits from officers of Militia who were dismissed by Dalhousie. The original dispatch is missing and no papers accompany the duplicate, so that he is unable to make the inquiries mentioned. 472

February 26,  
Quebec.

The same to the same (No. 18). Has received an application from the agent of Gale for an advance of £300 on account of the expenses of his mission. The terms on which he was engaged by Dalhousie; by his (Kempt's) instructions he can make no further advance. 474

*Enclosed.* Instructions by Dalhousie to Gale on his mission to London. 477

February 26,  
Quebec.

Yorke to Attorney General. Instructions in regard to libel suits. Enclosed in Kempt to Murray, 27th February, 1829.

February 27,  
Quebec.

Kempt to Murray. Dalhousie made explanations relative to the prosecutions for libel brought by the Attorney General. Had hoped for some intimation of the views of government but has as yet received no communication and as a decision must be arrived at he had called on

on Judge  
 plition of  
 Page 429  
 emptying  
 result of  
 officers.  
 partment  
 e officer  
 431  
 Roman  
 de with  
 on the  
 to Roux  
 on of the  
 t, but he  
 434  
 Catholic  
 438  
 n to for-  
 441  
 respect-  
 443  
 ertel de  
 ancestors  
 to which  
 ity not  
 454  
 d. 457  
 system of  
 a Scotia.  
 t be laid  
 461  
 t copy of  
 e official  
 466  
 ied to for  
 interfere  
 n to His  
 pted will  
 470  
 the dis-  
 officers  
 patch is  
 nable to  
 472  
 from the  
 es of his  
 ; by his  
 474  
 ssion to  
 477  
 el suits.  
 the pro-  
 oped for  
 eived no  
 called on

## SESSIONAL PAPER No. 8c

1829

- the Attorney General for a report of the cases. Transmits copy of instructions he had given to the Attorney General. Page 480
- Enclosed.* Instructions to the Attorney General not to proceed in cases of libel till further notice and in any cases dependent the defendant is to be allowed to go on giving reasonable bail. 483
- February 28, Kempt to Murray (No. 20). Returns sent back corrected. The late date on which they were received prevented him from returning them earlier. 485
- March 1, The same to the same (No. 21). Sends memorial from the commissioners on the LaChine Canal praying for a gratuity of £500 to the widow of Thomas Burnett, the engineer in charge. The terms made with Burnett by the joint stock company by whom the work was originally undertaken. The satisfactory manner in which the work has been done. Recommends the prayer of the memorial. 487
- Quebec. *Enclosed.* The memorial. 491

GOVERNOR SIR JAMES KEMPT, 1829.

## Q. 187-3.

1829.  
 March 5, Kempt to Murray (No. 22). Darling having obtained leave of absence has left a power of attorney to draw his pay while he is gone. A warrant was issued for pay to the 24th December, 1828, but as there is reason to believe the office will be suppressed, will issue no further pay till he shall be made acquainted with the intention of government. Page 497
- Quebec. Kempt to Murray (No. 23). Had sent answer of the Assembly to the message on the subject of the provincial revenue. Now sends answer by the Council, by which it will be seen that that body takes a different view from the Assembly with regard to the right of his Majesty to appropriate the revenue raised under 14 George, 3 cap. 88. 499
- March 7, *Enclosed.* Answer by the Council acknowledging the right of the Crown to appropriate the revenue raised under the Act 14 George, 3 cap 88. 501
- Quebec. Kempt to Hay (private). Will prorogue the legislature this day; sends copy of the speech he intends to address to the Council and Assembly. The result of the session has been fully as favourable as could have been anticipated. He has had a most difficult task to perform. 511
- March 16, *Enclosed.* Governor's speech to be delivered on prorogation. 513
- Quebec. Kempt to Murray (No. 24). The Parliament was prorogued on the 14th after a long and laborious session. Sends speech and lists of Acts passed, those to which he assented as well as those reserved. 515
- Enclosed.* List of Acts. 517
- List of Bills reserved. 529
- For speech enclosed see page 513
- March 21, Kempt to Murray (No. 25). Transmits copy of an address from the House of Assembly on the subject of light-houses in the St. Lawrence, Nova Scotia having been at great expense for light-houses will not be asked to contribute to the erection of those on St. Paul's Island and Cape Ray. 532
- Enclosed.* Address by the House of Assembly on the subject of light-houses. 535
- March 24, Kempt to Murray (No. 26). For the purpose of economizing, he recommends that the settling establishment at Lanark be remodelled or reduced. Sketch of the origin of the establishment, the advances made to settlers and the arrangement for repayment. Other settlements formed
- Quebec.

63 VICTORIA, A. 1900

1829.	at Perth and Richmond, but it is difficult to obtain information with respect to their original formation; on the abolition of the establishments in 1822, that at Lanark was retained to collect from the settlers the sums advanced. No grants have been made, so that the lands are virtually mortgaged for the advances, which can only be collected by compulsory means. As little can be expected, recommends the suppression of the expensive establishment at Lanark and that the Lieut. Governor of Upper Canada be directed to collect the debts due by the settlers.	Page 537
	<i>Enclosed.</i> Marshall to Couper. States the amounts advanced to the settlers and the little prospect of repayment.	542
	Establishment of the Lanark settling department.	545
March 25, Quebec.	Kempt to Murray (No. 27). The course taken by the Assembly with respect to the finances of the province; reductions made in the estimates; has assented to the bill of supply providing for the reduced amount, of which he sends copy. Cannot hope for a specific acknowledgement of the King's rights to appropriate the revenue raised by 14 George 3 cap 88, but had assented to the present bill as a temporary measure. Other reasons for assenting to the bill. The necessity for instructions as to the funds to provide for the items objected to by the House of Assembly. These include salaries, pensions and contingencies for the administration of justice; sends statement of the two first.	546
	<i>Enclosed.</i> Supply bill.	560
	Abstract of estimate.	564
	Estimate of Civil expenditure.	565 to 585
	The estimate includes salaries, pensions, militia staff pay, &c.	
	Correspondence (printed) follows.	585
March 25, Quebec.	Kempt to Murray. Dispatch received, is mortified that approval was not given to the course he had found it expedient to adopt in the meeting of the provincial Parliament.	586
March 26, Quebec.	Kempt to Murray (No. 28). Transmits account of the proceedings of the legislature as instructed; also abstracts of the grants of money made during last session. It will be some time before the Acts can be copied and before he can bring under consideration subjects to which his attention was called by addresses.	587
	<i>Enclosed.</i> Statement of the proceedings of the provincial Parliament in respect to points recommended for its consideration.	589
	Statement of money grants made by the provincial Parliament for various public services.	596
	Acts for appointing agents in the United Kingdom.	597
March 27, Quebec.	Kempt to Murray (No. 29). The Assembly passed a militia bill to provide for expenses but containing a clause objected to by the Council which caused the loss of the bill. "The bill was simply a revival of former militia laws, without improvement of any kind, but the House of Assembly has reported the heads of a new bill, which it is intended to bring forward in the next session."	608
	<i>Enclosed.</i> Observations on the militia laws.	611
March 27, Quebec.	Kempt to Murray (No. 30). Transmits proceedings of the Executive Council.	614
March 29, Quebec.	The same to the same (No. 31). Dispatches received (List given).	617
March 31, Quebec.	The same to the same (No. 32). Has brought the question of the salaries of the customs officers before the Assembly which referred it to a committee. Owing to the late period of the session when the dispatch was received nothing was done by the House.	620
	<i>Enclosed.</i> Resolutions of Assembly to transmit report of the committee on the salaries of customs officials.	624
	Report.	625



respect  
n 1822,  
vanced.  
ged for  
As  
ensive  
Canada  
ge 537  
to the  
542  
545  
y with  
mates;  
mount,  
gement  
George 3  
easure.  
uctions  
use of  
for the  
546  
560  
564  
to 585

585  
val was  
meeting  
586  
ings of  
money  
can be  
aich his  
587  
ia ment  
589  
ent for  
596  
597  
bill to  
Council  
rival of  
House  
tended  
608  
611  
ecutive  
614  
n). 617

of the  
ed it to  
ispatch  
620  
e com-  
624  
625

## SESSIONAL PAPER No. 8c

1829.

No date.

Return of the establishment of the Customs at Quebec.  
List of land and owners without date or title.

Page 630  
615

GOVERNOR SIR J. KEMPT, 1829.

## Q. 188-1.

1829.  
April 1,  
Quebec.

Kempt to Murray (No. 33). Calls attention to a recommendation by Dalhousie of an allowance to the Surveyor General on account of at our made through the province on duty. Encloses copy of dispatch and asks that the balance due may be paid to the Surveyor General. Page 1  
*Enclosed.* Dalhousie to Murray, 6th September, 1828. The dispatch is in Q. 182-2, p. 241, and is numbered 98.

Apr 11,  
Quebec.

Kempt to Murray (No. 34). The report of progress of the Rideau Canal being so voluminous, he has obtained a condensed report from Colonel By, which he has transmitted. The total expenditure to this date has been £186,370 1s. 8½d.

*Enclosed.* By to Durnford. Transmits reports of progress on the Rideau Canal with observations on the dam at Hog's Back.

Abridged statement of the work and expenditure on the Rideau Canal.

By to Couper, 20th November, 1828. Report of progress of the Rideau Canal.

Plan of the line of the Rideau Canal.

April 2,  
Quebec.

Kempt to Murray (No. 35). Submits correspondence respecting the purchase of lands in the vicinity of the dam at Hog's Back on the Rideau from R. D. Fraser and Dr. Munro. Shall defer giving directions as to the purchase till he shall receive instructions. It is to be regretted that possession was not obtained of all the land necessary for the Rideau Canal before beginning the work, as thus much litigation would have been saved.

*Enclosed.* Correspondence. Enclosure 1. Respecting the purchase of lands for the Rideau Canal from R. D. Fraser with plan.

Enclosure 2. Respecting the purchase of lands for the Rideau Canal from Dr. Munro with reference also to those from R. D. Fraser.

Enclosure 3. Respecting the lands from the Sparks estate.

April 3,  
Quebec.

Kempt to Hay (private). The supply bill passed by the Legislative Council with difficulty by a majority of two; sends memoranda by the speaker of what passed during the discussion, also copies of protests by members of the council against the supply bill so that Sir George Murray may see both sides. His awkward situation owing to the form in which the Assembly voted supply but as the bill passed both Houses he did not feel he could withhold his assent, for the reasons stated in his official dispatches. The documents sent will give Murray all the information he can desire. The Assembly passed a resolution that the vote for the expenses of civil government was not to be taken as a precedent.

*Enclosed.* (1) Memorandum respecting the supply of bill for 1829.

(2) Extract from the journals of the Legislative Council, containing protests against the passing of the supply bill.

April 6,  
Quebec.

Kempt to Murray (No. 36). In reference to dispatch of 4th February, has now issued warrant in favour of Gordon, agent for the province, for £100 to repay him for the advance to A. Buchanan.

April 7,  
Quebec.

The same to the same (No. 37). Sends return of three convicts sentenced to death whom he proposes to transport for life. Asks that instructions be sent to Bermuda to receive them.

*Enclosed.* Return.

63 VICTORIA, A. 1900

1829.  
April 7,  
Quebec.

Kempt to Murray (No. 38). Transmits address from the Assembly on the case of J. B. Morand who cannot practise as a notary being an alien, and praying for legislation to enable him to do so. But for his being a Roman Catholic he would have been naturalized. A special law was proposed for his benefit but it was thought better to send an address praying for general legislation similar to that in Upper Canada.

Page 76

*Enclosed. Address.*

80

April 10,  
Quebec.

Kempt to Murray (No. 39). Transmits Act for continuing the provincial parliament in case of the death or demise of the reigning monarch. A copy of the legal opinion of the Attorney General is also transmitted.

83

*Enclosed. Legal opinion.*

84

April 10,  
Quebec.

Kempt to Murray (No. 40). A bill has passed to confirm for civil purposes the parochial subdivisions of the province of which he transmits certified copies to be laid before both Houses of Parliament as required by 31 George 3 cap. 31 before assent is given. As the Roman Catholic population are concerned, hopes that the bill will meet with early and favourable consideration. At present 120 parishes exist erected by the Roman Catholic Bishop but not legally sanctioned and two erected by letters patent. The inconvenience from this state of things led the late governor to recommend the subject to the legislature and the matter was immediately taken up by the Assembly and referred to a committee whose report is enclosed and a bill founded on Dalhousie's message was passed and being reserved was transmitted for consideration. Before word was received of its being disallowed a second bill had passed showing the importance attached to the measure by both Houses. The whole question referred to the Attorney General for full reconsideration. Transmits his report. States the grounds to be considered in the enactment and his opinion as to the means of carrying the measure into effect which lead him to recommend that the bills be confirmed. This would afford the highest satisfaction to the Roman Catholic subjects and cure the evils arising from the want of legal confirmation.

88

*Enclosed. Message from Dalhousie to the Legislative Council and Assembly respecting the establishment of parishes.*

97

Report of a committee of the Assembly of Lower Canada on the parochial subdivision of the province, in English.

98

The same in French.

111

Opinion of Attorney General Stuart on the question.

123

Joint address from the Council and Assembly respecting the bill to legalise parochial subdivisions.

135

April 12,  
Quebec.

Kempt to Murray (No. 41). A bill was passed last session and reserved to divide the province into 40 counties to secure a more equal representation. How the representation is to be regulated. The townships will have eight members at next session if the bill is confirmed and eventually eleven members. Sends map for the better elucidation of the measure and transmits also statement of the population. Amendments to the bill made in Council and agreed to by the Assembly. The townships satisfied with the representation assigned them. Trusts to have His Majesty's pleasure in the course of the summer, as an election later than October would be very inconvenient for the townships and the law allows 50 days for the return of the writ.

138

*Enclosed. Statement of the population of the new counties.*

142

Map showing the new divisions.

145

Copy of Act to subdivide the province.

146

embly  
ing an  
or his  
ial law  
nd an  
anada.  
age 76  
80  
e pro-  
mon-  
trans-  
83  
84  
r civil  
trans-  
ent as  
oman  
with  
exist  
nd and  
ate of  
ature  
ferred  
usie's  
sider-  
nd bill  
both  
or full  
e con-  
rying  
lls be  
oman  
al con-  
88  
l and  
97  
n the  
98  
111  
123  
bill to  
135  
a and  
equal  
town-  
nd and  
of the  
ments  
town-  
have  
later  
e law  
138  
142  
145  
146

## SESSIONAL PAPER No. 8c

1820.  
April 12,  
Quebec.

Kempt to Murray (Confidential). Respecting the measures for the representation of Lower Canada. The amendments made in Council and agreed to in the Assembly. Objections to the bill. Page 188

*Enclosed.* Extract from the Journals of the Legislative Council; the protest of Sewell, speaker. 193

April 12,  
Quebec.

Kempt to Murray (No. 42). Is surprised at the inadequate provision made for gunpowder and commissariat stores in the improved plans of the citadel at Quebec. Calculations of the amount of gunpowder required and the room necessary for the commissariat stores. Has instructed the commanding officer of the Royal Engineers to prepare plans for the additional accommodation. 196

*Enclosed.* Statement showing the number of barrels of powder wanted for Quebec. 199

Statement of musket, &c., ammunition. 200

Memorandum of magazine room required. 201

April 13,  
Quebec.

Kempt to Murray (No. 43). Transmits communication from By that the dam at Hog's Back on the Rideau Canal has given way. 203

*Enclosed.* By to Kempt. Reports the rupture of the dam at Hog's Back; transmits official report to Mann. 204

April 13,  
Quebec.

Official report of the cause of the failure of the dam. 205

Kempt to Murray (No. 44). Transmits copy of resolution passed by the Assembly in relation to the collection of the revenue. Explains the nature of the resolutions. Has asked explanations from the collector of customs; the first five resolutions and the eighth are those to which he directs attention, the collector being therein called to refund the percentages on the collections since 1822. Reply by the collector and remarks on the deductions since 1822, have been resisted by the Executive Council which audits the accounts; it also denies the right to an allowance on revenue collected under the imperial Act since 1826, the date when the fixed salaries were assigned. If any part of the amount refunded by the collector is to be repaid, he must have official instructions to that effect. Provincial allowances to clerks in the customs have been discontinued. 209

*Enclosed.* Resolutions of the Assembly with the explanations by the comptroller of customs. 216

Treasury order to regulate the commissions charged by the collector and controller of customs at Quebec. 231

Memorandum respecting the percentages claimed and retained on duties levied at Quebec. 234

Report by a committee of Council on the account of Perceval, collector of customs at Quebec. 243

April 20,  
Quebec.

Kempt to Murray (No. 45). Referring to letter of the 18th instant, transmitting resolutions respecting the percentage claimed by the collector of customs, he learns that the collector of customs has distributed the whole of the percentage retained between October, 1822, and January, 1826, which had been previously impounded. Gives particular explanation in addition to that in his dispatch (No. 44). The explanation enters into details. 247

Yorke, secretary to Kempt, to the collector. After the resolutions and address of the Assembly, he cannot allow of the distribution of the money impounded until he himself receives instructions. A full report has been made to the Colonial Secretary. 254

Collector of Customs to Kempt. Explains position of the officers with respect to the commissions for collecting the revenue. 256

April 29,  
Quebec.

Kempt to Murray (No. 46). Sends transcript of proceedings, of the Executive Council respecting grants of waste lands. 260

April 29,  
Quebec.

The same to the same (No. 47). The difficulty in dealing with questions relating to the settlements of Lanark, Perth and Richmond, owing

63 VICTORIA, A. 1900

1829.  
to the records having been removed from the Quarter Master General's office. Sends list of records required. Page 261  
*Enclosed.* List of books, plans &c. delivered to Lieut Colonel Cockburn. 263
- April 30,  
Quebec.  
Kempt to Murray (No 48). Sends detailed report of the accident to the dam at the Hog's back. Sends also report by Pooley on the precarious state of the dam at Smith's Falls. Has directed Durnford to consult with By as to the best method of remedying the damage and of preventing such damage in future. The Welland Canal has also given way at the Deep Cut. 265  
*Enclosed.* By to Couper. Additional details respecting the failure of the dam at the Hog's back. 267  
Pooley to By reports the dangerous state of the dam at Smith's Falls. 272
- May 1,  
Quebec.  
Kempt to Murray (No 49). In reference to the recommendation for a pension of a shilling a day to Robert Simpson he cannot give the necessary precedent respecting pension to the veteran of the Louisbourg grenadiers, the papers being at Halifax. 278  
*Enclosed.* General order for the payment of one shilling a day pension to Robert Simpson. 280
- May 2,  
Quebec.  
Kempt to Murray (No 50). Has received dispatch respecting the tolls &c. of the LaChine canals. The canals referred to are not the LaChine canal which is a provincial work but those of the Cascades, Split Rock and Coteau du Lac, which are the property of His Majesty's government. The whole administration of these is placed in the immediate control of the commissary general. The reductions made and which he hopes will be made. Since 1827, when the tolls were raised, many boats have been running the rapids incurring great risk. Has, therefore, directed that the tolls be lowered to the former rate. The net revenue for 1828 was £1300 sterling but the produce of the canals has been subject to great variations. If the reduction does not answer expectations and is a loss to the direct revenue it has other advantages which are enumerated. From Finlay's long experience he has been allowed to hold his appointment but the proposal to let the tolls may be carried out after ascertaining from experience the amount to be expected. 281

GOV. SIR J. KEMPT, 1829.

## Q. 188-2.

1829.  
May 2,  
Quebec.  
Kempt to Murray (No. 50). In volume Q. 188-1 p. 281. The enclosure is in 188-2.  
*Enclosed.* Dawson to Dalhousie. The Lords of the Treasury call attention to the high pay of two overseers and request to be furnished with a particular statement of their duties. Asks for opinion if the tolls might not be let by auction. Page 286
- May 5,  
Quebec.  
Kempt to Murray (No. 51). Transmits certified copy of reserved bill to extend certain privileges to the Methodists, to enable the ministers to keep registers of baptisms, marriages and burials. Recommends that the Act be sanctioned. A somewhat similar Act was disallowed but that was much wider in its scope than the present. 288  
*Enclosed.* Report by the Attorney General on the Methodist bill recommending that it be reserved. 290
- May 5,  
Quebec.  
Kempt to Murray (No. 52). Sends reserved bill to extend certain privileges to persons professing the Jewish faith, which he has reserved, on the report of the Attorney General. Transmits his report. 292  
*Enclosed.* Report of the Attorney General. 294

General's  
age 261  
Cock-  
263  
dent to  
recari-  
consult  
revent-  
way at  
265  
lure of  
267  
ls. 272  
ion for  
ive the  
sbourg  
278  
y pen-  
280  
ng the  
ot the  
scades,  
jesty's  
imme-  
which  
many  
efore,  
venue  
n sub-  
ations  
ch are  
o hold  
ed out  
281

The

y call  
ished  
if the  
ge 286  
served  
sisters  
mends  
lowed  
288  
st bill  
290  
ertain  
erved,  
292  
294

## SESSIONAL PAPER No. 8c

1829.

May 9,  
Quebec.

Kempt to Murray (No. 53). The pension of £50 to each of the daughters of Colonel de Salaberry paid from the sale of Crown lands. The impossibility of the fund on which the expenditure is charged being changed; from what fund are these and other pensions to be paid? Page 297

May 9,  
Quebec.

Kempt to Murray (No. 54). On the representation of Buchanan, resident emigration office, has granted him £30 a year for an office. Does not anticipate any advantage from the appointment, but was anxious that the plan should have a fair trial. 299

May 10,  
Quebec.

The same to the same (No. 55). Has received dispatch, modifying the arrangement for payment to the Commissary General of balances in the hands of the Receiver General and sheriffs of the province. No action was taken either in the Assembly or Council on the arrangement originally proposed. 301

May 10,  
Quebec.

The same to the same (No. 56). Has received dispatch that Hale is to be paid £1,000 a year as Receiver General and the actual cost of the vault. In accordance with dispatch two vaults have been ordered, that built by Hale being attached to his house and too small to admit of the required regulation being carried into effect. 303

May 11,  
Quebec.

Kempt to Murray (No. 57). In reference to the memorial of the Roman Catholic clergy of Lower Canada, on the subject of the arrangement proposed between Huskisson and the Seminary for the surrender of their estates, sends paper of observations by the Attorney General, who had formerly presented a comprehensive report. Whilst wishing that the Attorney General had been less pointed and severe in some of his strictures on the pretensions of the Roman Catholic clergy, yet he considers the paper an able one and would possibly enable him to answer the memorial more fully and satisfactorily than he could otherwise have done. 306

Enclosed. Observations on a memorial of the Roman Catholic clergy on the subject of the proposed arrangement for the Seminary lands. 309 (The observations are minute and detailed.)

May 15,  
Quebec.

Kempt to Murray (No. 58). Death of Bedard, Judge of Three Rivers and appointment of Vallières de St. Real, which he hopes will be approved of. 341

May 15,  
Quebec.

The same to the same (separate). Representation of the case of Willan appointed to be law clerk to the Assembly in 1827, but from his want of thorough knowledge of French the Assembly wish to remove him. 342

May 16,  
Quebec.

Kempt to Murray (No. 59). Transmits documents received from Colborne relating to the alterations and reductions in the Indian department. List of documents; descriptions of proposed districts. Proposes that McKay be appointed superintendent of the district of Montreal and that Napier be removed to the military secretary's office into whose office he proposes to deposit the voluminous records of the Indian department. Napier's usefulness, whose services should be retained. Agrees that the medical men of the department should be reduced and a small sum allowed to provide medical aid for the Indians. Remarks on the expense of the Indian department and on various points connected with the Indians. Believes that the most effectual means to ameliorate the condition of the Indians would be (1) To collect the Indians in considerable numbers and to settle them in villages, with a due portion of land for their cultivation and support. (2) To make such provision for their religious improvement, education and instruction in husbandry, as circumstances may from time to time require. (3) To afford them such assistance in building their houses, providing rations and procuring such seed and agricultural implements as may be necessary, commuting, when practicable, a portion of their presents for the latter. (4) To provide active and zealous missionaries for the Indians at the Bay of Quinte and Gwil-

63 VICTORIA, A. 1900

1829.

limbury and to send Wesleyan missionaries from England to counteract the antipathy to the established church and other objectionable principles which the Methodist missionaries from the United States are supposed to instil into the minds of their Indian converts. Page 345

*Enclosed.* Colborne to Kempt. Recommendations respecting the management of the Indians. 363

Report by Rev. James Magrath, missionary, on the state of the Indians on the river Credit. 369

Establishment of the Indian department in Lower Canada for 1829. 377

The same for Upper Canada. 378

Pension list in Upper Canada for 1829. 379

Proposed establishment in Lower Canada, May 1829. 380

The same in Upper Canada, May, 1829. 381

General recapitulation of the expense of the Indian department, 16th May, 1829. 382

Memorandum of the proposed reductions. 383

Memo.: of probable expense of settling an Indian family of five persons for the first year. 386

Another memorandum. 387

Abstract of sums required for goods to pay certain tribes in Upper Canada. 388

Statement of annual payment to tribes of Lower Canada. 389

Bishop (Anglican) of Quebec to Kempt. Suggestions for the improvement of the Indians. 390

Schools now in operation under the superintendence of the Conference Missionary Society. 399

May 16,  
Quebec.

Kempt to Murray (No. 60). Transmits copy of application from Hale for leave to resign his seat in the Executive Council as it interferes with his duties as Receiver General. 400

*Enclosed.* Hale to Yorke. Letter applying for leave to resign his seat in the Executive Council. 402

May 16,  
Quebec.

Kempt to Murray (No. 61). Transmits copy of reserved bill for rendering valid conveyance of land and other immoveables within the province of Lower Canada. Had referred it to the Solicitor General, in the absence of the Attorney General, who objected to the bill. The Chief Justice advised that assent be given to the bill. Submitted the bill to the Attorney General on his return. Transmits his report which objects to the bill being adopted under any circumstances. From the difference of opinion had submitted the report of the Attorney General to the Chief Justice who has furnished an abstract of the reasons which induced the Legislative Council to pass the bill. 403

*Enclosed.* Report of the Attorney General objecting to the bill for rendering valid conveyances of landed property, &c., held in free and common socage. The report enters into minute details and recommends certain measures which would act more beneficially. These are (1) A short, simple and inexpensive form of conveyance of lands held in free and common socage to be prescribed by the Legislature to supply the place of the conveyance by lease and release. (2) The requisite provision for barring dower in a summary manner. (3) The establishment of registry offices for the registering of conveyances and incumbrances on lands held in free and common socage. A bill or bills comprising the necessary regulations on these heads is much wanted and would be of great utility. 406

Abstract by Chief Justice Sewell of the reasons which induced the Council to pass the Bill. 419



teract  
ciples  
posed  
e 345  
g the  
363  
dians  
369  
29.  
377  
378  
379  
380  
381  
16th  
382  
383  
per-  
386  
387  
pper  
388  
389  
the  
390  
rence  
399  
from  
feres  
400  
seat  
402  
ren-  
the  
al, in  
The  
t the  
hich  
the  
neral  
hich  
403  
for  
and  
com-  
are  
held  
e to  
The  
The  
and  
bills  
nted  
406  
the  
419

## SESSIONAL PAPER No. 8c

1829.

May 17,  
Quebec.May 17,  
Quebec.May 18,  
Quebec.May 18,  
Quebec.May 19,  
Quebec.May 27,  
Quebec.

Attorney General to Kempt. Returns the abstract of reasons which induced the Council to pass the bill which cannot invalidate the objections to the bill. Page 425

Kempt to Murray (No. 62). Transmits copy of memorial from the committee of trade for Quebec complaining of the fees in the court of vice Admiralty, of the answer of the judge and of the reply of the committee of trade with observations on the appointment of the judge. Remarks on the constitution of the court, &c. 430

Enclosed. Memorial of the committee of trade of Quebec. 435

Tables showing the fees in cases before the vice Admiralty court. 441

Answer of the judge of the vice Admiralty court. 448

Reply of the committee of trade. 464

Kerr to Yorke. Returns the remarks of the the committee of trade having no further observations to make. 484

Memoranda by Chief Justice Sewell as to the appointment of the judge of the court of vice Admiralty at Quebec and his claim to fees. 485

Report of trial Wilson vs. judge Kerr for the return of fees, giving the remarks of the judge in King's Bench. 490

Kempt to Murray (No. 63). Transmits proposal from Kerr, judge of the vice Admiralty Court, on a measure to put the court on a footing of respectability and remove the present subject of complaint. 500

Enclosed. Kerr to Kempt. Proposes that a compensation shall be made to the judge and registrar of the vice Admiralty court for fees heretofore levied. He (Kerr) desires to retire. 502

Kempt to Murray (No. 64). Has received letter that a decision must be suspended with regard to increased fees to the Attorney General, Surveyor General and Secretary of the province and suggesting that fees should be abolished and compensation granted. Return to be made of the emoluments on an average of three years. Sends return accordingly on an average of three years since 1817. Transmits other documents respecting fees. A perusal of the letter from the Attorney General will furnish the reasons for recommending an increase to the fees, the proportion on small grants not affording remuneration for the duty required. Sends copy of report on the proposal to grant fixed compensation to the officers of the land granting department by which it will be seen that the Council do not consider the change expedient but that the recommendation for an increased scale of fees should be complied with; he refrains from recommending any particular amount of compensation in event of a change of system. It cannot be at once adopted for want of funds. 510

Enclosed. Statement showing the amount of fees yearly on grants of the waste lands of the Crown. 517

Table of fees established in 1797. 519

Memorandum of fees recommended by the committee of Council. 520

Letter by Attorney General Stuart on the question of fees. 522

Memorial of the same on the same question. 532

Report of the Committee of the whole Council on the subject of fees, referred to them. 537

Kempt to Murray (No. 65). Transmits report to the Executive Council on fees that should be charged on village lots. 539

Enclosed. Report. 541

Kempt to Murray (No. 66). Dispatches received by the February and March mails. 543

Kempt to Murray (separate). Introduces the Rev. Messrs. Thomas Maguire and Antoine Tabeau who are commissioned to communicate with him on the subject of two memorials. 545

63 VICTORIA, A. 1900

1829.  
May 28,  
Quebec.

Kempt to Murray, (No. 67). Transmits memorial of the widow of the late surgeon Richardson of the Indian department. Recommends the case for favourable consideration. Page 547

*Enclosed.* Memorial. 548

Certificates of service. 550, 551

May 28,  
Quebec.

Kempt to Murray (No. 68). In compliance with instructions, referred to the Attorney General for report the application for licence to hold land in mortmain for the establishment of a seminary. The charter of the college at Nicolet would afford a precedent for the present application. Transmits documents. 552

*Enclosed.* Copy of the Attorney General's report on Girouard's application. 558

Copy of the charter of incorporation for a seminary at Nicolet. 565

Copy of the Attorney General's opinion on the same charter. 575

May 29,  
Quebec.

Kempt to Murray (No. 69). Has returned memorial addressed to the King by M. Lartigue. Had referred to the Attorney General the question of whether he could hold land in mortmain, to which the Attorney General answered that if he applied for licence to hold land in mortmain by a corporation which did not exist it could not be granted, nor could he be held as a corporation sole to obtain such a licence. Sends copy of the attorney General's opinion. 582

*Enclosed.* Report on Rev. J. J. Lartigue's petition by the Attorney general. The gradual encroachments of M. Lartigue. 585

Gov. SIR J. KEMPT, 1829.

## Q. 189-1.

1829.  
June 1,  
Quebec.

Kempt to Hay. Desires to have the question definitely settled whether the Indian department is to be under the military officer in command or the civil government. By Bathurst's letter of the 14th March, 1816, all Indian affairs were transferred to the military commander, an arrangement which still remains in force. Page 1

June 2,  
Quebec.

The same to Murray (No. 70). Transmits memorial from Roman Catholic Bishop of Quebec and his coadjutor for His Majesty's sanction for the formation of a new diocese in Lower Canada; the district of Montreal to be the new diocese and the Rev. J. J. L'Artigue to be the Bishop, with power to hold land in mortmain to the extent of £1,500 net annual amount. In 1819 the late Bishop Plessis represented his incapacity to discharge the duties of his extensive diocese and recommended its division into four, Montreal to be one with J. J. L'Artigue to be bishop. In 1819 the Prince Regent so far consented as not to disapprove of the residence of L'Artigue in Montreal with such subordinate ecclesiastical authority as would afford the Roman Catholic Bishop of Quebec the requisite assistance but L'Artigue was to be dependent on the bishop of Quebec and it was then he was consecrated as bishop of Telmesse an office not acknowledged by the provincial government. Transmits memoir by the bishop of Quebec disclaiming any intention of acting contrary to the wishes of His Majesty's government. Sees at present no very serious objection to the establishment of the diocese of Montreal separate from that of Quebec. 3

*Enclosed.* Memorial of the Roman Catholic Bishop of Quebec and his coadjutor J. J. L'Artigue for the establishment of the district of Montreal as a separate diocese from that of Quebec, that J. J. L'Artigue be recognized as Bishop and that he and his successors be authorised to hold in mortmain property to the net amount of £1,500 sterling. 8

The same in French. 15

## SESSIONAL PAPER No. 8c

1829

Memoir submitted to Lord Dalhousie (in French) defending the bishop against charges that he was opposing the views of the government in placing L'Artigue in charge of the Roman Catholics in the district of Montreal, giving copies of the correspondence that has passed on the subject with the government. Page 23

June 4,  
Quebec.

Kempt to Murray (No. 71). Sends petition for the erection by letters patent of the seminary or college of St. Hyacinthe into a corporation with power to hold lands in mortmain to the amount of £2,000 yearly. Not having it in his power to erect corporations he has informed the Roman Catholic Bishop that he would transmit the petition. Having already reported on a similar application by Girouard, thinks it only necessary to refer to his letter of the 28th May. Hopes the question may be settled without delay. 47

June 4,  
Quebec.

Enclosed. Petition. 50  
Kempt to Murray (secret and confidential). Wishes he could save him (Murray) the trouble of reading the voluminous papers which accompanied his public dispatches but the importance of the subjects decided him to send all the information on the erection of a new see proposed by the Catholic Bishop and the application of several ecclesiastics for leave to hold lands in mortmain with the opinion of the law officers. The characters of the Bishop of Quebec and of M. L'Artigue recommended to be Bishop of Montreal, where he has exercised episcopal functions before the new see has been sanctioned. He regrets that in 1819 L'Artigue's episcopal rank was not defined by Bathurst, power having been given to appoint vicars general by a confidential dispatch, dated 10th September, 1821. Dissatisfaction felt at the assumption of power by L'Artigue on the part of Roman Catholic clergymen and a decided communication to the Bishop would have confined him to the office of Vicar General. Is not satisfied of the necessity of having a separate diocese in Lower Canada and sends various documents on the subject. Remarks on the contents of the papers taken up seriatim. The letter is of considerable length. 54

Enclosed. Correspondence in 1819, 1821, 1824, 1825. 66

Memorandum respecting M. L'Artigue's application for the erection of the district of Montreal into a Roman Catholic bishoprick. 74

Observations sur quelques uns des résultats du nouvel ordre de choses dans les affaires ecclésiastiques du diocèse du Québec dans le district de Montréal, unsigned. 82

June 8,  
Quebec.

Kempt to Murray (No. 72). Has received orders to pay Gale £1,000 out of the casual and territorial revenues which have been entirely absorbed. Explains the positions of the different funds, namely, the Jesuit estates, the sale of Crown lands and the sale of timber. The united revenues of the three would be unable to pay the sum directed to be paid to Gale, so that it is impossible to comply with the order. 92

June 8,  
Quebec.

Same to the same (No. 73). Transmits copy of memorial from Cornwall, surveyor of customs for Quebec, praying for 500 acres of land. His services; retired on half pay, which he sold, so that he is not strictly entitled to land. Asks for instructions. 95

June 10,  
Quebec.

Enclosed. Memorial from Cornwall. 96  
Kempt to Murray (No. 74). Attempt to arrange for the distribution of presents to the Indians at Amherstburg and Penetanguishene could not be carried out this year. Proposal by Colborne to distribute them at St. Joseph's Island and in future at the Malataualian (Manitoulin) Islands. Objections on the ground of the great additional expense. Owing to the convenient situation of Colborne with respect to the Indians, has invested him with discretionary power to direct the commissariat to convey the requisite presents from Amherstburg to St. Joseph's Island should that be indispensable, in which case he has to report

63 VICTORIA, A. 1900

1829.

June 11,  
Quebec.

direct to him (Murray). The bad results from attempting to distribute the presents this year from Amherstburg or Penetanguishene. Page 98

Kempt to Murray (No. 75). Reasons for constructing a road from York to Penetanguishene, if that is to become the chief naval station and point for distributing presents to the Western and other Indian tribes. The condition of the roads from York to Gwillimbury, which is practicable for the waggons of the country. From thence to Penetanguishene the route is a narrow path passable, with difficulty, for horses. Is aware of the saving that would be effected by the completion of the road, but is not authorised to expend any large sum without previous authority. Is the more induced not to sanction the work as he is afraid such expenditure may be taken as a ground of belief that government intend to undertake public communications. Has, however, recommended Colborne to begin the road if he has any local funds that could be used for the purpose. 103

June 18,  
Quebec.

Same to the same (No. 76). List of dispatches received. 106

June 22,  
Montreal.

The same to the same (No. 77). Colborne asks that the amount formerly expended for the Indians in presents should be used in building houses and purchasing agricultural implements and stock for such Indians as may be disposed to settle. Is not empowered to give the authority requisite, but he concurs with Colborne in the expediency of the measure and recommends its immediate adoption. The consent of the tribes must be obtained in the first instance to the alteration in the expenditure, but apprehends little difficulty in this and when the alteration is carried into effect the shipment of presents must cease, the sums expended being a commutation of them. Should any arrive in the meantime they could be placed in the ordinary store and the quantity deducted next year. Besides the commuted presents the Six Nation Indians receive annuities from the proceeds of lands ceded, which are vested in the British funds, and in the hands of various persons to the amount of £1,400 currency, as by the enclosed return. They are paid at no very certain period to the chiefs for the benefit of their respective tribes and he has no doubt that little difficulty would be felt in persuading them of the advantage of appropriating these annuities to the same purpose it is proposed to apply other Indian funds. It is important not to allow to subside the desire of the Indians to settle and every reasonable facility and encouragement should be given them to do so. 110

*Enclosed.* Abstract of sums annually paid in goods to Indian tribes enumerated. 114

Statement of money payable to the Six Nation Indians. 115

July 1,  
Quebec.

List of the members of the Executive and Legislative Councils of Lower Canada. 116

July 1,  
Quebec.

Kempt to Murray (No. 78). Sends report of the progress made in geographical and topographical knowledge. (1) An expedition between the St. Maurice and the Saguenay. Sends copy of the report. (2) No new division has been made of counties or districts, but a new one is proposed with a view to representation. (3) No new canals or roads have been constituted. (4) No sites chosen for the establishment of towns or villages. (5 and 6) No new information obtained respecting the course of rivers or the height of mountains. 121

July 4,  
Quebec.

*Enclosed.* Remarks on the Saguenay and Lake St. John. 125

Kempt to Murray (No. 79). A bill to authorize parochial subdivisions for civil purpose, has been by Order in Council declared to be disallowed. As it was reserved the order should have imported that His Majesty's consent was withheld. 133

tribute  
age 98  
from  
station  
tribes.  
practic-  
ishene  
aware  
d, but  
ority.  
ch ex-  
end to  
l Col-  
ed for  
103  
106

mount  
ilding  
such  
ve the  
cy of  
ent of  
in the  
altera-  
sums  
n the  
ntity  
Nation  
h are  
to the  
aid at  
ective  
n per-  
to the  
ortant  
every  
so.

110  
tribes  
114  
115  
ails of  
116  
de in  
etween  
2) No  
one is  
roads  
ent of  
ecting  
121  
125  
isions  
be dis-  
at His  
133

## SESSIONAL PAPER No. 8c

1829.  
July 10,  
Montreal.

Kempt to Murray (No. 80). Arrival of 15 families from Arran to be settled in Upper Canada on the Ottawa, who became discouraged and asked to be settled in Inverness in Lower Canada. After examining the land there and being satisfied grants are made to them at Inverness. McKillop, their leader, applies for a larger grant than the rest but there being no authority for this he has been given 200 acres like the others. Thinks, however, that being a man of intelligence, with some capital and a large family he might have 300 acres additional. The 15 families are all that have yet arrived from Arran. When the others arrive he shall not object to giving them lands in Inverness, if they desire to join the first, but proposes to suggest that some of them should visit the land on the Ottawa, to see which of the two situations they would prefer. To make a fair trial of the plan for settling immigrants from the United Kingdom he had set aside the townships of Inverness and Leeds, about 35 miles from Quebec. The arrangements made for roads, &c.

*Enclosed.* List of families.

Page 134

July 16,  
Montreal.

Kempt to Murray (No. 81). Colborne had found it necessary to send the supply of presents for the Western Indians from Penetanguishene to St. Joseph with the proper officers. A contract has been entered into for that service and for reconveying the escort and surplus of stores.

140.

July 24,  
Halifax.

Maitland to Couper. Enclosed in Kempt to Murray 11th August, 1829.

August 1,  
New York.

Vaughan to Kempt. Enclosed in Kempt to Murray 20th August, 1829.

August 10,  
Quebec.

Kempt to Murray (No. 82). Had directed his attention to the state of the arms, &c., and had given instructions for requisitions to be made for the articles wanted. A thousand stand of arms have been sent out but objections have been made to supply the small number of arms without indemnification. Has intimated that he has no intention at present to arm the militia but should it be requisite the arms would be paid for by the respective provinces or else issued by authority of His Majesty's government without indemnification to the Ordnance. The retention of British North America depends chiefly on the loyalty of the inhabitants and the efficiency of the militia, so that arms and accoutrements should always be kept within the respective provinces. There are 37,355 stand of arms in store in the different depots in Upper and Lower Canada with accoutrements which though old can be made serviceable so that there is no pressing need for an additional supply.

*Enclosed.* Ordinance to Respective Officers. Requisition received. If the arms, &c., are required for Colonial service, it will be requisite that the department be indemnified.

146

Proposed proportion of arms and accoutrements for the Canadas, for a force of 22,000 regulars and 18,355 militia, with the number in store and those wanted to complete.

147

August 11,  
Quebec.

Kempt to Murray (No. 83). Sends requisition for Indian presents. Causes for the increased demands. Should the issue of commuted presents be abolished any that may happen to arrive might be transferred to the general Indian store.

148

*Enclosed.* Requisition.

151 to 153

August 11,  
Quebec.

Kempt to Murray (No. 84). Respecting pension to Paul McPherson of the Louisbourg grenadiers.

154

*Enclosed.* Maitland to Couper. After making the necessary inquiries cannot ascertain that any record exists of a pension to a man of the Louisbourg grenadiers, as shown by the enclosed.

156

Correspondence respecting the pension to Paul McPherson 157, 158

63 VICTORIA, A. 1900

1829.  
August 20,  
Quebec.

Kempt to Murray (No. 85). Transmits copy of correspondence with Vaughan, minister at Washington, respecting the delivering up of an American citizen and a slave whom he has been accused of stealing. Referred the matter to the Executive Council whose report he transmits and has refused to deliver up the man. Page 159

*Enclosed.* Vaughan to Kempt. Transmits letter from Secretary of State of the United States for the delivery of an American charged with stealing a mulatto slave from Illinois. 161

August 21,  
Quebec.

Further correspondence on the subject. 162 to 169

Kempt to Murray (No. 86). Sends certified copies of Acts passed last session. Calls attention to a bill to incorporate the Quebec Fire Assurance company, to which he assented but found that the same bill passed in 1826, had been disallowed. Represents the embarrassment caused by the practice of a great number of bills being sent for approval frequently on the last day of the session. 170

August 22,  
Quebec.

The same to the same (No. 87). List of dispatches received by the June mail. 174

August 23,  
Quebec.

The same to the same (No. 88). Had on the 18th of May reported fully on the subject of fees. Apologises for having to return to the question which has again been raised by the Attorney General and the Secretary of the province. Explains why he (Kempt) had given directions that each settler was to have a separate deed, unless he applied to be included in the same patent with others, arising from the difficulty under the old rule, of selecting persons scattered all over the country. As the fee for small grants was no remuneration for the trouble the officials were at he had promised to recommend some addition to it. 177

*Enclosed.* Memorial from the Attorney General for an increase on fees for patents for grants of land. 184

Attorney General to Kempt. Further respecting the fees on land patents. 199

Memorial of Dominick Daly for an increase of fees on land patents. 208

Memorial of Montizambert, acting Secretary of the province, for a change to the old system of charging fees on grants of land. 214

August 23,  
Quebec.

Kempt to Hay (private and confidential). Explains the position respecting fees and that 400 patents issued are lying not acted on, as the Attorney General will not act until his fees are increased. Calls attention to his recommendation that the tariff of Nova Scotia might apply to all the provinces, states that he had no intention of raising his own income from fees which by the existing rate does not exceed £20, and by the scale in force in Nova Scotia would be £2,000. He would not on any account recommend any augmentation being made to his income by means of fees. 219

August 25,  
Quebec.

*Enclosed.* Private memorandum respecting fees. 222

August 27,  
Quebec.

Kempt to Murray (separate). The July mail arrived without the usual bag from the Colonial Office. 223

The same to the same (No. 89). Bouchette, who is to go to England to superintend the engraving of a large map of Lower Canada, has been given twelve months leave of absence. Introduces and recommends him to the favourable notice of Murray. 224

August 27,  
Quebec.

The same to the same (No. 90). Has received copy of memorial presented to him (Murray) from Chief Justice Sewell for a grant of land. Sewell has stated his claim fairly, but he (Murray) should be best qualified to decide if a grant should be given. If his opinion were asked, he could only say that a more harmful proceeding could not be adopted than making large grants of land to individuals. It is only justice to say that Chief Justice Osgoode received a large grant of land as stated by



with  
of an  
ealing.  
nsmits  
ge 159  
ary of  
d with  
161  
to 169  
passed  
ec Fire  
me bill  
ement  
approval  
170  
by the  
174  
ported  
to the  
ral and  
given  
plied  
difficulty  
untry.  
ble the  
it. 177  
on fees  
184  
n land  
199  
ta. 208  
, for a  
214  
osition  
on, as  
Calls  
might  
ng his  
d £20,  
would  
to his  
219  
222  
ut the  
223  
ngland  
s been  
mends  
224  
morial  
f land.  
e best  
asked,  
dopted  
tice to  
ted by

## SESSIONAL PAPER No. 80

1829.

Sewell on the same grounds as urged by him. Transmits copy of Osgoode's memorial. Page 226  
*Enclosed.* Memorial of William Osgoode, heretofore Chief Justice of Lower Canada. 229

Gov. SIR J. KEMPT, 1829.

## Q. 189-2.

1812.  
April 15,  
Quebec.

Warrant to de Salaberry to raise men for the Voltigeurs. Enclosed in Kempt to Murray, 6th November, 1829.

1813.  
April 15,  
Quebec.

Noah Freer to Sir John Johnson. Enclosed in Kempt to Murray, 7th November (No. 111).

1829.  
April 18,  
Quebec.

Couper to Rev. Mr. Robitaille. Enclosed in Kempt to Murray, 6th November, 1829.

August 5,  
London.

Commissioner of Customs to Collector and Comptroller, Quebec. Enclosed in Kempt to Murray, 1st October, 1829.

August 14,  
Edwardsburg.

Fraser to By.

August 27,  
Rideau Canal.

By to Durnford (extract).

September 5.

Durnford to Couper. Extract. This and the two preceding papers enclosed in Kempt to Murray, 20th September.

September 12,  
Quebec.

Kempt to Murray (No. 91). Dispatches reported as not having arrived by the July mail have been since received. Sends list of them. 232

September 12,  
Quebec.

The same to the same (No. 92). Has communicated to Mrs. Claus the decision on her application for a pension. She has sent memorial and relies on precedents, especially on that of Mrs. LaMothe. Comparison of the services of Lamothe and Claus. 235

September 15,  
Quebec.

*Enclosed.* Memorial of Mrs. Claus. 237  
Report of Council on waste lands. Enclosed in Kempt to Murray, 18th October, 1829.

September 18,  
Quebec.

Kempt to Murray (No. 93). Has given six months leave of absence to Perceval, collector of customs in Quebec. He will call on his arrival in London, should his health permit. 240

September 18,  
Quebec.

The same to Hay (private). Introduces Perceval. 241

September 19,  
Quebec.

The same to Murray (No. 94). Encloses urgent representation from Durnford, R.E., on the necessity of purchasing the Kingston tannery adjoining the blockhouse No. 5. Had authorized its purchase, there having been no time to apply for authority. Plan enclosed. 242

*Enclosed.* Durnford to Couper, 25th June, 1829. Represents the necessity of purchasing the Kingston tannery. 244

Plan of the ground. 245

September 19,  
Quebec.

Correspondence respecting the purchase of the tannery. 246 to 253  
Kempt to Murray (No. 95). In reference to the report from the comptroller of army accounts respecting the payment of the travelling expenses for the Indian department sends report from the office of accounts at the station, showing that for years it had been customary to defray the travelling expenses of the officers of that department which were formerly paid out of the contingencies but are now paid by warrant. Previous to the reduction in 1815 and 1822, travelling was of rare occurrence but since then travelling is necessary to visit remote stations, at an expense which the salaries of the officers could not bear, especially as they had no forage allowance. Dalhousie refused to settle

63 VICTORIA, A. 1900

1829.

any defined allowance for travelling, reserving the decision to each case as it arose. Recommends that this system should be continued but the allowance in no case to exceed the scale allowed to a subaltern of the army. Page 254

*Enclosed.* Snelling to Couper. The practice of allowing expenses to officers of the Indian department has existed for years. 257

Darling to Sir John Johnson. Respecting the allowance for travelling expenses to the Indian department. 258

September 20,  
Quebec.

Kempt to Murray (No. 96). Refers to letter of 2nd April, 1829, respecting the purchase of lands at the Hog's Back, on the Rideau canal, transmits extract from letters from Durnford and By urging the immediate necessity of buying these lands. The verdict of a jury would probably give more damages than the price at which the possessors offer the land and if the offer is not accepted may be bought by unprincipled speculators to make demands on government; as the completion of the work would enhance the value of the land he has been induced to authorise the purchase of the lots of Mr. Fraser and Dr. Munro. The situation of the lands and the price at which they are offered. 260

*Enclosed.* Durnford to Couper, 5th September. Again urges the purchase of the property mentioned by By. 263

Extract from letter from By, 27th August, enclosing one from Fraser. As the damages will probably be greater than the price of Fraser's estate urges that it be purchased. 264

Fraser to By, 14th August. Is ready to sign the deeds. His sister-in-law Mrs. Fraser will come to Bytown to arrange about her property in Nepean. 265

September 20,  
Quebec.

Kempt to Murray (No. 97). The measure for suppressing the settling establishment at Lanark has been ordered to be carried into effect. Sir John Colborne has been authorised to continue the appointment of the schoolmaster if it should be deemed essential to the wellbeing of the settlement. 266

September 28,  
Quebec.

The same to the same (No. 98). Owing to the deaths of Louis de Salaberry, James Irvine and William Burns, members of the Council, recommends James Philip Saveuse de Beaujeu, Samuel Hatt and Denis B. Viger to succeed them. Describes their characters. 268

September 28,  
Quebec.

The same to Hay (private and confidential). His reasons for recommending in letter No. 98 the three gentlemen for appointment to the Council. 271

September 30,  
Quebec.

Collector and Comptroller of Customs, Quebec, to Kempt. *Enclosed* in Kempt to Murray, 1st October. 274

October 1,  
Quebec.

Kempt to Murray (No. 99). Has received dispatches (list given) by the August mail. 274

October 1,  
Quebec.

Kempt to Murray (No. 100). Transmits copy of letter from the Collector and Comptroller of Customs, authorising them to continue the employment of a clerk and messenger to be paid from the duties applicable to uses of the province. The Assembly having provided for the salaries asked by the Treasury doubts if those of the clerk and messenger now asked for be granted by the legislature. 278

*Enclosed.* The letter from the custom house, Quebec and the authority from London. 281, 282

October 4  
Quebec.

Kempt to Murray (No. 101). Has received Royal Assent to Act for making a new sub-division of the province into counties. 284

October 16,  
Quebec.

Couper to Routh. *Enclosed* in Kempt to Murray, 18th November, 1829. 289

October 18,  
Quebec.

Kempt to Murray (No. 102). Transmits copy of report of Council, recommending that all persons, emigrants or natives, be allowed to purchase lands at the last upset price without restriction and that this would secure a better class of settlers in which opinion he concurs. 285

h case  
ut the  
of the  
go 254  
ases to  
257  
relling  
258  
1829,  
canal,  
imme-  
would  
osors  
nprin-  
oletion  
duced  
unro.  
260  
as the  
263  
Fraser.  
Fraser's  
264  
sister-  
operty  
265  
telling  
Sir  
of the  
of the  
266  
uis de  
ouncil,  
Denis  
268  
recom-  
to the  
271  
closed  
on) by  
274  
m the  
ue the  
appli-  
of the  
senger  
278  
hority  
21, 282  
ct for  
284  
mber,  
ouncil,  
o pur-  
at this  
s. 285

## SESSIONAL PAPER No. 8c

1829.	<i>Enclosed.</i> Report of the Council.	Page 290
October 19, Quebec.	Kempt to Murray (No. 103). Transmits requisition for station- ery. 292	
October 20, Quebec.	The same to the same (separate). Represents the hardship of being allowed only half of the salary of the lieut. governor of Nova Scotia from the time he left Halifax until, on the departure of Dalhousie, he assumed the Government of Quebec. Asks that he be paid the full salary of lieut. governor of Nova Scotia. 293	
October 20, Quebec.	<i>Attached.</i> Memorandum on the application of Sir James Kempt. 296	
October 20, Quebec.	Kempt to Hay. Hopes Murray will not consider the application either an improper one for him to make or one he will find difficulty in acceding to. 297	
October 22, Quebec.	The same to Murray. (Separate.) Reports a decision of the Court of King's Bench in the case of the order of the commissioners of customs to the collector to receive Spanish dollars at four shillings and four pence sterling, instead of four shillings and six pence held by the mer- chants to be the legal rate. The judgment holds the lower rate to be legal. 298	
October 23, Quebec.	<i>Enclosed.</i> Unanimous judgment of the court of King's Bench, delivered by the Chief Justice, on the value of the Spanish dollar as re- ceived in payment of duties. 301	
October 26, Quebec.	Kempt to Hay. (Separate.) Has paid out of the revenues from the sale of timber, the messenger who brought Murray's dispatch of the 18th August. 311	
October 26, Quebec.	The same to Murray (No. 104). Has received dispatches (list given) by September mail. 312	
October 28, Quebec.	The same to the same. (No. 105). Shall communicate to Mr. Girouard and Mr. L'A. tigue the decision on their respective memorials. Shall send return of schools in the province and of the public funds ap- propriated or available for the purpose. It is satisfactory to find that he is fully aware of the importance of enabling the Roman Catholic clergy to understand distinctly the footing on which their schools are to be placed in the province. 315	
October 29, Quebec.	The same to the same (No. 106). Sends return of the religious communities in Lower Canada: the ladies belonging to these societies being the only persons bound by monastic vows and their numbers are published annually. is disposed to think it would be inexpedient to pro- vide any other system of registration. 317	
November 2, Montreal.	<i>Enclosed.</i> Return of religious communities in Lower Canada. Napier to Couper. Enclosed in Kempt to Murray, 7th November, 1829. 318	
November 4, Quebec.	Kempt to Murray (No. 107). Sends account of a sermon having been preached by a young priest at the opening of a new college at St. Ann's which caused animadversion, the sermon having a tendency to excite unfriendly feelings on the part of the French Canadians towards the English speaking people. The Roman Catholic Bishop strongly dis- approves of the sermon, and says the whole of the Canadian clergy agree with him. The subject is of little importance, but an exaggerated account may have reached. 322	
	<i>Enclosed.</i> Extracts from the sermon translated. 325	
	The Roman Catholic Bishop of Quebec and coadjutor to Kempt (in French). Their disapproval of the sermon and express their gratitude for the benefits they have received from the British Government. 330	
	M. Painchaud, Superior of the college of Ste. Anne to Kempt (in French). His disapproval of the sermon preached at the opening of St. Ann's college. 333	

63 VICTORIA, A. 1900

1829.  
November 6,  
Quebec.

Kempt to Murray (No. 108). Transmits letter from the Lord Bishop of Quebec stating that the Board of the Royal Institution had been called on by the solicitors of the Treasury for payment of £218.15.6, incurred in defence of an appeal and asking that the case might be presented in the hope that the Board would be relieved. Statement of the case in respect to the will of the late Mr. McGill. Page 337

*Enclosed.* Bishop (Anglican) of Quebec to Kempt. States the case of the Royal Institution in respect to the will of the late Mr. McGill and the proceedings in appeal. 341

November 6,  
Quebec.

Kempt to Murray (No. 109). Has been asked for information and his opinion on the claim of the Rev. Pierre Robitaille, as chaplain for the militia, whether he was a commissioned chaplain to the forces and whether the allowance he says he received was a gratuity or half-pay. In reply, he had no other commission than the one of which a copy was attached to the dispatch. When the militia was disbanded on the 25th of March, 1815, he received a gratuity of 80 days' pay, but he, as were the other members of the militia staff, was retained on reduced pay till the 24th of February, 1817. Can find no trace of any other payments, so that he presumes from the failure of memory of M. Robitaille he must be confounding these payments with half-pay. 345

*Enclosed.* Warrant to de Salaberry, dated 15th April 1812 to raise men for the voltigeurs. 350

Couper to Rev. Mr. Robitaille, 18th April, 1829. Kempt regrets that he cannot hope to induce the British government to accede to his request for half pay. 352

November 7,  
Quebec.

Kempt to Murray (No. 110). The fire proof vaults at the chateau have been completed and the whole of the provincial treasure placed there, having been counted and found correct. How the keys have been distributed. 354

November 7,  
Quebec.

Kempt to Murray (No. 111). Transmits memorial from the widow of Captain de Montigny for an increase of pension. 356

*Enclosed.* Memorial (in French) and accompanying documents. 357, 360, 361

November 7,  
Montreal.

L'Artigue signed J. J. Eveque de Talmesse. Enclosed in Kempt to Murray 20 November, 1829.

November 8,  
Quebec.

Kempt to Murray (No. 112). Submits the claim of Darling for a gratuity on the suppression of his office of chief superintendent of the Indian department and recommends the payment of a gratuity in accordance with precedent. 362

November 9,  
Quebec.

The same to the same (separate). Sends with reluctance, not thinking he should interfere with judicial appointments in other provinces than the one under his immediate charge, an application from Uniacke to be appointed chief justice of Nova Scotia, when that office becomes vacant. Uniacke's long and faithful services. 365

*Enclosed.* R. J. Uniacke to Wallace. Finds that there are many competitors for the office of chief justice. States his services at great length. 367

November 9,  
Quebec.

Kempt to Murray (private). Sends his opinion as to the proper appointment to the chief justiceship of Nova Scotia. Had the vacancy occurred during his administration, he could not have set aside the claims of Uniacke, but he is now 76 years of age and should have some reward rather than his promotion to a laborious and responsible office. Haliburton has the best claim from his talents, knowledge and tact. The high character of Archibald, solicitor general, but his claims are not so strong as those of Haliburton. 385

Note by Kempt: "Mr. Justice Haliburton is the person who wrote "a very able Pamphlet some years ago to prove the very great importance of the British N. American colonies to Great Britain, Mr. Hal-

## SESSIONAL PAPER No. 8c

1829.

- "burton, the author of the History of Nova Scotia (lately published) is  
"a different Person." Page 389
- November 16, Kempt to Murray (No. 113). Transmits memorial from Mrs. Young  
Quebec, for remuneration for the services of her husband, the late Hon. John  
Young. 390  
Enclosed. Memorial. 393
- November 16, Girouard to Kempt. Enclosed in Kempt to Murray, 20th November,  
St. Hyacinthe 1829.
- November 17, Memorandum on Indian presents.  
Quebec.
- November 17, Routh to Couper. Both enclosed in Kempt to Murray, 18th November,  
Quebec. 1829.
- November 18, Kempt to Murray (No. 114). Reports complaints from the Indians  
Quebec, of the late and irregular period of the arrival of the presents for them. Has  
desired the Commissary general to have a supply for a year in advance to  
avoid the risks of delay or of the loss of a vessel bringing the presents. 398  
Enclosed. R. J. Routh to Couper. Respecting Indian presents giving  
a list of the quantities in store. 401  
Memorandum of articles required to complete the Indian presents for  
1830 and 1831. 403  
Couper to Routh. The commander of the forces desires that the  
Treasury should be notified of the necessity of sending the Indian  
presents earlier in the season. The inconvenience to the Indians who  
assemble from long distances should irregularities occur. 405
- November 20, Kempt to Murray (separate). Has given Messrs. L'Artigue and  
Quebec, Girouard information of the decisions in their respective cases. Sends  
their answers. 407  
Enclosed. L'Artigue (signed J. J. Evêque de Talmesse, in French).  
Has received information officially that His Majesty's government has  
refused his promotion to be bishop of Montreal. Is mortified that it  
should be supposed the application was made by him, it being the work  
of the bishop of Quebec and his coadjutor who alone have signed it. Is  
still more vexed on account of the interest he takes in the honour and  
prosperity of His Majesty's government, that they should have declined  
to give even a verbal answer to the representatives of the church and  
he fears his treatment is not calculated to conciliate the King's Canadian  
subjects, especially if the rumours of the application of the property of  
the seminary are well founded. He would refrain from entering into a  
discussion of the merits of the various petitions lately presented to the  
King, but would merely observe that to touch the religious interests of  
a people is always a delicate matter and may sometimes have the most  
important consequences. Is convinced of the necessity of having a  
bishop residing in Montreal not only for the benefit of the church but  
for that of government and if the objection to the promotion is personal,  
he would give joyfully to whoever should be the first bishop his establish-  
ment of St. James and its dependencies and retire into a place of rest.  
Has believed it right to state this, so that he could not reproach himself  
that he had stood in the way of his country's advantage. 408  
Girouard to Kempt (in French). Thanks him for his courtesy,  
although his efforts were unsuccessful. Cannot forbear saying how  
much it would cost a man like himself who had made so many sacrifices  
to see his efforts for the education of the district frustrated by the  
government of the Mother country. His fellow countrymen would no  
doubt have redoubled their gratitude, had they seen the interest taken  
by His Majesty's ministers in a more general diffusion of intelligence  
and science. 411
- November 23, Kempt to Murray (No. 115). Has received warrant to pay the widow  
Quebec, of Lt. Colonel d'Eschambault £70 from the revenues of Lower Canada,

63 VICTORIA, A. 1900

- 1829.
- November 24, Quebec. which may be subject to the King's appropriation. These funds are exhausted, so that the warrant cannot be paid and this has been intimated to Madame d'Eschambault. Page 413
- November 26, Quebec. Kempt to Murray (No. 116). Dispatches received by way of New York. List given. 415
- November 26, Quebec. The same to the same (No. 117). Has received approval of the purchase of the land in the neighbourhood of the Hog's Back. 418
- November 26, Quebec. The same to the same (No. 118). In reference to the appropriation of seven lots to the extension of the fuel yard at Quebec they are now at the disposal of the Board of Ordnance. 420
- November 27, Quebec. The same to the same (No. 119). Sends return of five convicts under sentence of death, but whom it is proposed to pardon on condition of transportation for life to Bermuda. 422
- November 30, Quebec. Enclosed. Return of convicts. 423
- Kempt to Hay (private and confidential). Agrees as to the policy of the colonial government rendering itself as independent of the Assembly as possible, but he does not see the way to increase the revenue and decrease the expenditure so as to produce the wished for result. Is not surprised at his idea of three being too many in the judicial branch of the public service. He thought so, at first but was soon convinced of his erroneous opinion. Explains that there are no county assessments so that all persons connected with the administration of justice are paid out of the public funds and so appear in the civil establishment. All expenses of this kind, gaols, &c., are charged in the estimates. A different system is followed in the other colonies, these expenses being paid from county assessments, whereas in Lower Canada from the chief justice to the turnkey all are paid from provincial revenues. The difficulties that existed compelled him to act with great prudence, temper and forbearance. He had no one in whom he could safely rely, as all the men he might have consulted have been more or less engaged in political squabbles. No increase in the revenue of Crown lands can be expected, so long as there are gratuitous grants for military and civil purposes and large tracts of waste lands, the property of individuals, are in the market on reasonable terms. Felton and Davidson both diligent in the discharge of their duties, but it is to be regretted that two offices should have been created and a judge of escheats appointed with salaries all charged to the same fund, and he has found it impossible to proceed to escheating lands for want of funds. Regrets the instructions sent by Murray on the subject of the supply bill as the communication to the legislature as directed will be productive of no good. P. S. states that Murray takes a different view of the supply bill from that entertained by the Crown officers at Quebec, who concur in the opinion of Wilmot Horton. 424

Gov. SIR J. KEMPT, 1829.

(Part I. is paged from 1 to 215, part II. from 246 to 482, part III. from 483 to 704.)

Q. 190.-1.-2.-3.

1828.  
November 28, Quebec. Ryland to Kempt. Enclosed in Kempt to Murray, 30th December, 1829.

1829.  
January 28, London.

Dalhousie to Murray. Sends remarks on points deserving of attention, with a view to the future good government of Canada. The evils caused by factious leaders; the remedies. Page 523



ands are  
estimated  
page 413  
of New  
415  
of the  
418  
appropriation  
are now  
420  
s under  
ition of  
422  
423  
policy of  
sembly  
ue and  
Is not  
much of  
need of  
sments  
re paid  
. All  
es. A  
being  
e chief  
e diffi-  
emper  
as all  
ged in  
can be  
d civil  
als, are  
iligent  
offices  
alaries  
roceed  
ent by  
to the  
s that  
ained  
Wilmot  
424

from

mber,

tion,  
caused  
e 523

## SESSIONAL PAPER No. 8c

1829.  
February 10,  
London. Dalhousie to Hay. Does not see what answer he can send to note enclosing Cockburn's letter on a subject already so much discussed. The Lieut-Governor of New Brunswick can report the feelings of the legislature of that province respecting a road to the St. Lawrence. He had done all he could with the legislature of Lower Canada respecting that road but to no purpose. Page 534
- February 14,  
London. The same to the same. Notes on the establishing of colleges in Canada. Those in imitation of Oxford or Cambridge are inconsistent with the state of society as shown by the small attendance at King's College at Windsor, Nova Scotia. "I am convinced that grammar schools and colleges on the principle and government of that of Edinburgh are sufficient and all sufficient for the wants of these provinces in their state of advancement in the present day." 535
- February 15,  
London. The same to Murray. Gale sent to afford correct and circumstantial information respecting Canada, has put it in writing and sent a copy to him (Dalhousie) to be forwarded officially. The good qualities of Gale. 538
- Enclosed.* Letter from Gale forwarding his observations. 540
- Observations on the report of the select committee of the House of Commons on the state of the civil government of Canada in 1828. 542
- The "Observations" occupy 120 pages and are so detailed that they cannot be summarised within reasonable limits.
- February 20,  
London. Dalhousie to Hay. Lays before Murray a memorial from Chief Justice Sewell for a grant of land. His objection to such grants, but in this case he makes an exception. 663
- February 20,  
London. The same to the same. Transmits paper which has been sent to him from Canada, from the manager of the Jesuit estates. Has stated his approval of the opinion of the Council on it. 664
- Report of a committee of Council on a letter from Felton, Commissioner of Crown Lands respecting the conceded and unconceded lands of the Jesuit Estates. 665
- February 22,  
London. Dalhousie to Hay. Gale's presence not being further required in London he will prepare to return to Canada. Asks that his travelling expenses and maintenance be authorized to be paid as agreed upon by an order on Kempt. 670
- February 24,  
London. The same to the same. Sends copy of letter from Hon. John Richardson and Hon. Charles Grant, addressed to John Neilson of Quebec, which in his (Dalhousie's) opinion shows the falsity of the evidence of Neilson respecting them. 672
- Enclosed.* Letter from Richardson and Grant to Neilson, preceded by an extract from the evidence of Neilson. 673
- Neilson to Richardson and Grant. Is sorry that the letter ascribes to him intentions which he never had; acknowledges receipt of letter. 686
- Stewart to Kempt. Enclosed in Kempt to Murray, 30th December, 1829.
- Bowen to Yorke.
- November 12 Bowen to Yorke.
- December 3,  
Quebec. Report of a committee of Council. This and the two preceding documents enclosed in Kempt to Murray, 7th December, 1829.
- December 7,  
Quebec. Kempt to Murray (No. 120). Transmits letters from Judge Bowen and report from the Executive Council on his application for an additional grant of 5,000 acres. The terms of the grant, which Bowen reports he has complied with as far as regards the first 5,000 acres. The documents sent by Bowen with letters are too bulky for transmission. 1

63 VICTORIA, A. 1900

1829.

*Enclosed.* Bowen to Yorke, 31st October. Applies for an additional 5,000 acres on the ground of the order from Bathurst, and that he had fulfilled the settling conditions on the first 5,000. Page 6

Bowen to Yorke, 12th November. Had performed the settling duties on the first 5,000 acres in the spirit of the conditions if the very letter had not been rigidly complied with. Did not ask for a patent for the additional lands, but asked for the grant so that in the neighbourhood he might make the necessary allotments to enable him with certainty to claim a patent. 7

Report of a committee of the Council on Bowen's application for a further grant of land which can only be decided by the Colonial Secretary, but at the same time they recommend Bowen's application to the most favourable consideration. 10

December 10,  
Quebec.

Kempt to Murray (No. 121). Had not reported the expulsion of Christie, believing that to be within the privileges of the Assembly, but Christie has sent him copies of an address to the King from his constituents and copy of a letter from himself to Murray. Sends, therefore, an account of the circumstances. The proceeding arose from an inquiry by the Assembly into the appointment, etc., of justices of the peace. A new list was prepared, many of the old names being omitted, and Christie was so imprudent as to say that he was desired by Government to prepare lists of magistrates, and his employment being clearly established, as well as his recommendation to omit certain names, the committee animadverted in severe terms on his conduct, and the Assembly passed a vote of expulsion, rejecting a petition in his behalf asking to be heard at the bar of the House. Sends copy of the resolutions and of the report. Addressees presented by the Assembly on the danger of appointing a chairman of quarter sessions. Christie re-elected to Gaspé without opposition. 13

*Enclosed.* Resolutions of the Assembly against Christie. 21

Address of the Assembly on the abuses which have grown up in connection with the chairmanship of the quarter sessions. 29

Resolutions on the subject of the chairmanship of the quarter sessions. 31

Report of the committee submitted to the Assembly. 34

The same in French. 48

Evidence. 61

December 11,  
Quebec.

Kempt to Murray (No. 122). Transmits memorial from the judges of the Courts of King's Bench of Quebec and Montreal praying to be relieved from the state of dependence on which they are placed by being subject to a vote for their salaries and allowances to the Assembly. 168

*Enclosed.* Memorial from the judges. 172

Memorial of the business devolving on the Court of King's Bench in the district of Quebec. 176

December 11,  
Quebec.

Kempt to Murray (No. 123). Having transmitted by letter of this date No. 122 copy of Memorial from the judges of King's Bench for Quebec and Montreal, now sends copy of memorial from the provincial judge of Three Rivers praying to be put on the same footing as those of Quebec and Montreal. Having been appointed by the province no alteration can be made but by an Act of the legislature. Will recommend that he be placed on the same footing as the judges of the King's Bench. He receives £600 and they are paid £900 a year. 179

*Enclosed.* Memorial of Vallière de St. Réal, judge at Three Rivers. 182

December 12,  
Quebec.

Kempt to Murray (No. 124). Regrets that a deputation from the Iroquois of Sault St. Louis had sailed to submit their pretensions to a portion of the seigniory of La Prairie. Had endeavoured to dissuade them, judgment having been given against their claim. Has desired

## SESSIONAL PAPER No. 8c

1829.

December 15,  
Quebec.

that the grounds of the judgments in the King's Bench and in appeal shall be sent him, which he shall transmit. Page 185

Kempt to Murray (No. 125). Has received dispatch on the financial concerns of the colony. Explains his course respecting the supply bill. The funds at the disposal of the Crown being inadequate, it was necessary to call on the legislature to make up the deficiency in conformity to the instructions he had received to that effect, that when the Assembly was called on to provide any portion of the public expenditure it virtually acquired a control over the whole. In order to prevent the rights of the Crown from being compromised, he had referred the bill to the Solicitor General (the Attorney General being engaged on official duties at Montreal), who saw nothing in the bill to prevent assent being given to it, an opinion in which chief justice Sewell concurred. Under all the circumstances, it would have been an act of great indiscretion on his part to withhold His Majesty's assent, simply because the Assembly chose to exercise the control it had acquired on being called on for supply. His only embarrassment was caused by finding a dispatch from Bathurst to Burton expressing disapprobation of a bill of a similar description, but this was removed by the evidence of Wilmot Horton before a Parliamentary committee. There may be no legal objection to the bill of supply yet the law leaves ground for cavil as to the appropriation of the funds. The effect of diminishing the sum voted is to restrict the amount paid for services, yet he is bound in honour to keep the public expenditure within the sum specified. Is glad to know that there is to be legislation in the Imperial Parliament to settle the question which has given rise to so much controversy. 187

December 15,  
Quebec.

Kempt to Murray (private and confidential). Has received instructions respecting finances to which he will conform; has no hope that the provincial legislature will recede from its pretensions to appropriate and control the whole revenue raised in the province; does not think the Council will adopt the bill sent up by the Assembly. Is pleased to hear that a remedy is to be applied by the Imperial parliament. Sends the opinion of the Attorney General respecting the points in dispute. 201

Enclosed. Memo. respecting the revenue raised under the statute of Great Britain 14 George 3, Cap. 88. The memorandum, signed J. S. (Jonathan Sewell), enters into minute detail. 205

December 15,  
Quebec.

Kempt to Murray (No. 126). To reclaim the Indians from their wandering habits, it has been recommended that a portion of their children should be educated at the common schools of the country. Had directed Plenderleath to ascertain and report the expense of an experiment of this nature, but through misapprehension he had placed six Indian children in a school at Chateauguay with a Protestant teacher. All the Indian schools in Lower Canada are Roman Catholic, the only European language taught is French; these schools and the colleges of the United States are the only sources of the education of the Indians in the province. The opposition to a change of system. The expense of maintaining the six Indians at Chateauguay. Reports of their progress to be made periodically. 197

December 18,  
Quebec.

Same to the same (No. 127). Sends report of grievances adopted by the Assembly on the report of a committee. The resolutions embrace every matter that has afforded a subject of complaint since 1822; no exertion shall be wanting on his part to remedy any evil that may be found to exist. The points to which his attention has been principally directed are the state of the magistracy and militia. To obtain information to guide him, he had visited almost every part of the province. The steps he is taking to remedy the grievances complained of with respect to the magistrates and the militia. Sends copy of the resolutions of Assembly. 221

63 VICTORIA, A. 1900

1829.

*Enclosed.* Documents relating to the action of the Assembly in respect to grievances.

Page 225 to 245

Continuation in Q—190-2.

246 to 382

December 18,  
Quebec.

Kempt to Murray (128). His desire to place the militia in a state of greater efficiency. Has recommended the subject to the consideration of the legislature, which appointed a committee to investigate it. In the state of excitement caused by dismissals from the force the report contained very strong animadversions on them and recommended that new regulations should be made respecting the militia for the safety and well-being of the province and so as to remedy abuses. In a second report a bill was recommended; the bill was brought into the Assembly and passed but was defeated in Council. Further remarks on the proceedings of the Assembly and on the design of the bill to replace all dismissed officers, &c.

383

December 21,  
Quebec.

The same to the same (No. 129). Sends list of Protestant and Roman Catholic schools. Summary of the information contained in the returns. The difficulty and delay in carrying into effect the will of the late James McGill for erecting a College. State of the funds for education. Sends returns to show how common elementary schools are maintained.

*Enclosed.* Return of schools.

Protestant

401

Roman Catholic.

405

List of grants of money to elementary schools in Quebec, Montreal and Three Rivers.

414

Memorandum respecting the Board of Royal Institution established by provincial Act, 41 George, III, cap. 17. The number of schools under the Royal Institution on 1st July, 1829, was 78, and of scholars, 3,772.

415

Memorandum in explanation of the provisions of the Act 9 George IV, cap. 46, for the encouragement of elementary education.

423

December 21,  
Quebec.

Kempt to Murray (No. 130). List of dispatches received.

426

December 22,  
Quebec.

The same to the same (separate). Sends copy of letter from the commissioner for the management of the Jesuit estates respecting the debt due by Caldwell. Differs from the Council in respect to the disposal of the £2,000 a year to be paid by Caldwell for the Lauzon estate, as the Treasury allowed him to retain it for the £2,000 a year so as to liquidate his debt.

427

*Enclosed.* Stewart to Yorke. The debt due by Henry Caldwell at his death and the balance declared by John Caldwell to be in his hands for which he became accountable for and to pay at the rate of 6 per cent for interest. Asks that some mode may be adopted for the liquidation of the amount due by John Caldwell.

429

December 30,  
Quebec.

Kempt to Murray (No. 131). In accordance with dispatch sends account of the Jesuit estates, with schedules, &c., with remarks.

431

*Enclosed.* Schedule of the Jesuit estates, with introductory remarks.

442

Statement of the gross revenues from 1st April, 1826, to 31st March, 1829.

445

Statement of authorized expenses.

446

Statement of annual appropriations.

447

Memorandum relative to the estates in Lower Canada from the conquest to date.

448

December 30,  
Quebec.

Kempt to Murray (No. 132). Transmits application from Stewart, commissioner for managing the Jesuit estates. The grounds of his application for an increase, among others his having acted as treasurer for the estates; how that arose. If continued Stewart's commission must be revoked. Had ordered him to pay over all balances to the

## SESSIONAL PAPER No. 8c

1829.

Receiver General who was to keep these funds separate from all other provincial accounts and this system is now in force. The able manner in which Stewart performs his duties. Sends also memorial from Ryland, who for 14 years was treasurer for the Jesuit estates, having for 19 years been a member of the commission; he now feels hurt that a junior member of the board should be made sole commissioner and believes that his long service entitles him to receive the full salary as a retiring allowance.

Enclosed. Memorial from J. Stewart.

Page 466

Memorial from Ryland.

471

December 30,  
Quebec.

Kempt to Murray (No. 133). Transmits memorial from the Royal Institution for assistance towards the erection and endowment of McGill College. The obstacles to carrying out the intentions of the testator are explained in the memorial. The necessity for a college institution. The limited resources of the Royal Institution.

475

Enclosed memorial to the King.

483

1830.  
January 1,  
Quebec.

Return of dispatches sent in 1829 by Sir James Kempt to the Colonial office.

487

497

## PUBLIC OFFICES, 1829.

(Part I is paged from 1 to 205; part II from 206 to 433.)

## Q. 191-1-2.

1827.

November 15. Questions relating to the status of the Church of England in Canada. Page 310

December 13,  
Quebec.

Bishop (Anglican) of Quebec to Hamilton. The delays that must necessarily arise before answers can be received to the questions sent to the clergy, digested into an abstract and transmitted. The accounts of his visitations will show the general state of the diocese, the last he sent in November. Sends copies of letters to the clergy in reference to the points at issue between the Church and Protestant bodies. Some of the clergy of the upper province anxious that they should be convened to consider the state of the Church but from the inconveniences that might attend such a meeting he thought other means might be adopted. From his personal knowledge sends information on some points of inquiry. His chaplain C. Morgell will furnish all such information as may be in his power.

354

Subject of inquiry proposed by the ecclesiastical Board.

358

Table of the clergy of the dioceses who have been admitted from other protestant bodies since 1812.

362

1828.  
January 24,  
Quebec.

Military Secretary. Order to postmasters. Enclosed in Byham to Hay, 4th September, 1829.

February 15,  
London.

Morgell to Hamilton. Points out the manner in which the writer of an article in the *Morning Chronicle* misrepresents the position of the Church of England in Canada and describes the proper method of giving a comparison of the state of the Church of England and Church of Scotland in the Canadas.

319

Petition from the Bishop and clergy of the diocese of Quebec.

331

February 22,  
Quebec.

Bishop (Anglican) of Quebec to Hamilton. Respecting petitions and representations made on behalf of the Church of England.

301

May 19,  
Quebec.

Staynor. Circular to postmasters. Enclosed in Byham to Hay, 4th September, 1829.

July 17,  
Quebec.

Archdeacon Mountain to Hamilton. The Lord Bishop has been informed that time would be given to make such remonstrances as he desired to make; hopes, therefore, that the case may be heard by counsel.

300

63 VICTORIA, A. 1900

1828.  
August 1. White to By.  
August 2. By to Mann.  
Rideau Canal.
- August 28, Durnford to Darling.  
Quebec.
- September 1, Darling to Durnford.  
Quebec.
- September 23, Durnford to Couper.  
Quebec.
- September 23, Couper to Durnford.  
Quebec.
- October 25, Maitland to Couper.  
York.
- November 8, Couper to Durnford.  
Quebec.
- November 15, Durnford to Mann. This and the eight preceding enclosed in By-  
Quebec. ham to Hay, 9th January, 1829.
- November 20, By to Mann. Report of progress. Enclosed in Byham to Hay, 12th  
Rideau Canal. January, 1829.
- November 26, Requisition for ammunition, &c. Enclosed in Byham to Hay, 30th  
Quebec. March, 1829.
- December 12, Address in the *Morning Courier*.  
New York.
- December 13, James Buchanan to Aberdeen. Both enclosed in Backhouse to Hay,  
New York. 16th January, 1829.
- December 28, Return of deserters. Enclosed in Byham to Hay, 5 January, 1829.  
Woolwich.
1829.  
January 5, Byham to Hay. Transmits correspondence respecting the proposal  
Ordnance. to discharge and grant lands on the Rideau Canal to men of the Sappers  
and Miners employed on the work when it was completed. Page 94
- January 10, Enclosed. Correspondence, with list of deserters. 96 to 106  
Downing Street. Stephen to Hay. Sees no reason for refusing to give a charter of  
incorporation to St. Andrew's Church, Quebec, but the alleged  
inconvenience that the lands must be held by private persons is  
the least consideration, the weightiest reasons for the application  
are to be in a better position than Protestant dissenting bodies in  
Canada who have not complained respecting the tenure of lands,  
the cost of remedying this being moderate and the difficulty of  
perpetuating a trust is easily met by thousands of dissenting con-  
gregations spread over England. He cannot regard the Scotch  
church congregations in Canada as dissenters. The conquest was not  
made by England but by Great Britain and both churches are candi-  
dates as the local legislatures may adopt one or other. If Murray thinks  
fit to accede to the application the congregation must send a draught of  
the charter they want as it must be recited in the warrant. 85
- January 12, Byham to Hay. Sends report of By respecting the Rideau canal and  
Ordnance. the funds required. The importance of By being informed as early as  
possible of the amount to be allowed him. The Ordnance recommend  
that the amount he applies for, £137,000, be granted him. 107
- Enclosed. Report of progress showing the amount expended. The  
line of bridges across Ottawa at the Chaudiere Falls is completed. Toll  
gates erected at the bridge. The mound across Dow's great swamp  
water-tight. Has raised the Rideau River 27 feet perpendicular at Hog's  
Back. Hopes next year to have it raised to 45 feet. If allowed to  
expend £137,215 11 10½ per annum in 1829, 1830 and 1831 he will have  
the whole completed by the 12th August, 1831. 109



## SESSIONAL PAPER No. 8c

1829.

January 12,  
Treasury.

Stewart to Hay. The commissariat officer in Canada may receive public money by authority of a warrant from the governor and reissue it on a similar authority. Page 139

January 12,  
Treasury.

The same to same. Authority has been given to repay to Mrs. Cressé the mutation fine paid by her. 141

January 16,  
London.

Hamilton, for Ecclesiastical board, to Murray. Long and detailed argument to prove that only the Church of England was entitled to derive benefit from the clergy reserves by the Act of 31 George III, with statistical tables. 268

January 16,  
Foreign office.

Backhouse to Hay. Transmits letter from Buchanan with copies of newspapers containing addresses of certain associations respecting the Canadas. 26

Enclosed. Buchanan to Aberdeen. Sends newspapers with address from societies in Canada emanating from New York. The danger of the present system in Canada. 27

Address in the *Morning Courier* of the 12th and 13th December, 1828, signed by J. Macneven, president of the Association of the Friends of Ireland in New York. 29

January 20,  
Downing  
Street.

Stephen to Hay. Reports on the proposed charter for the "Literary and Historical Society of Quebec" which cannot be laid before His Majesty for his signature in its present imperfect form. 91

January 30,  
London.

Palmer to the same. Extracts sent from the Rolls Chapel. Applies for payment of fees amounting to £134, 2s. 396

February 5,  
London.

Hamilton to the same. Has written to Ryan stating the qualifications necessary on the part of a candidate desiring to proceed to North America in Holy Orders, but that owing to the slender resources of the society, he is afraid that it cannot avail itself of his services, there being many candidates still unprovided for. 299

February 12,

Bishop of Nova Scotia to Hamilton. Enclosed in Hamilton to Hay, 1st August, 1829.

February 18,  
Whitehall.

Phillips to Hay. Has received a return of convicts sentenced to death in Lower Canada. Peel feels warranted in advising a commutation to transportation for life. Sends pardon to be forwarded to Kempt. Directions have been given to the Superintendent to receive the convicts on board the *Antelope* hulk at Bermuda. 60

February 28,  
Treasury.

Stewart to Hay. Authority given to pay Hale £1,000 a year as Receiver General and the actual cost of the vault for the security of the public money. A warrant is being prepared for the appointment of Mr. Hale as Receiver General. 142

March 13,  
Admiralty.

Cockburn to Murray. Sends the letters he promised Coffin he would put into his (Murray's) hands. Coffin wants letters to Murray that he may have justice done to him. 2

March 16,  
Whitehall.

Lack to Hay. In reference to the memorial from Messrs. Robin & Co. respecting exemption from provincial duties on articles for the fishery, the Lords of Trade concur with the opinion of the Attorney General on the subject. 25

March 18,  
Windsor.

Order in Council disallowing bill to confirm for civil purposes the parochial subdivision of Lower Canada. 23

March 18,  
Ordinance.

Byham to Hay. The board has authorized the grant of lands to deserving men as proposed by Colonel By. 113

March 30,  
Ordinance.

Same to the same. Sends copy of an order on the storekeeper at Quebec, for the issue of arms, etc., to the colonial militia, so as to obtain Murray's opinion whether payment should or should not be required for them. 114

March 31,  
Treasury.

Enclosed. Requisition. 115

Stewart to Hay. Letter has been received conveying the opinion of Murray that the measures taken are well calculated for the safety of the

63 VICTORIA, A. 1900

1829.

April 15,  
Treasury.

public money in Lower Canada; the commissariat officer has been directed to act in accordance therewith. Page 145

Stewart to Hay. Dispatches received with applications for pensions from the widows of d'Eschambault and Claus, both of the Indian Department. Reference is made to the letter from the Lords of the Treasury of 18th June, 1827, that pensions could not be granted to the widows of public officers except for exceptional services on the part of their husbands. The latter consideration applies to Mrs. d'Eschambault to whom a pension of £70 a year is granted, to begin from 1st June, 1829. In the case of Mrs. Claus there was nothing to distinguish the services of her husband from those of other officers, so that their Lordships could not recommend her for a pension. 147

May 5,  
Treasury.

The same to the same. Transmits report of the comptroller of army accounts with letter from Dalhousie respecting travelling expenses to the deputy superintendent and interpreter of the Indian Department for directions from Murray. 150

*Enclosed.* Extract from report of comptrollers of army accounts calling attention to a charge for personal allowance to the deputy superintendent and interpreter of the Indian department, when detached on duty, in which case they are allowed lodging money, fuel and a personal ration of provisions. Their travelling expenses should be paid from their salaries. In the case of the interpreter, recommend that the question of granting to persons of this class or below the rank of subalterns any extra allowances should be considered. 151

May 8,  
Horse Guards

FitzRoy Somerset to Hay. Besides granting lands on the Rideau would it not be of advantage towards checking desertion to offer soldiers on their discharge grants of lands in such places as they may select for settlement. 14

May 11,  
Treasury.

Stewart to the same. Under the circumstances the Lords of the Treasury sanction rations of flour to settlers and their families on the high road between Quebec and New Brunswick and Nova Scotia on condition that they shall keep the road open for mails, the rations to continue so long as they shall do the work in a satisfactory manner. 153

May 11,  
London.

Barbour to Aberdeen. Enclosed in Backhouse to Hay, 15th May, 1829.

May 11,  
Treasury.

Stewart to Hay. Transmits report from the commissioners of audit, suggesting an arrangement for securing payment from purchasers of government lands and buildings. 155

*Enclosed.* Report of the commissioners of audit on the present method of keeping the accounts of lands sold and of receiving payment with suggested changes. 156

May 12,  
Admiralty.

Barrow to Hay. When Barrie's situation as civil commissioner was changed to that of commodore, the appointment was not to be longer kept secret. Perhaps this ought to be communicated to the Colonial Secretary. 3

May 15,  
Foreign office.

Backhouse to Hay. Transmits note and enclosure from Barbour, Envoy extraordinary from the United States, for copy of grant to the Catawba Indians and asks that the Foreign Office be furnished with the information. 52

*Enclosed.* Barbour to Aberdeen. Sends letter from the Executive department of South Carolina and asks that the grant referred to in it may be supplied him. 53

Miller to Barbour. Asks for a copy of the grant of land made to the Catawba Indians in South Carolina. 54

May 15,  
London.

Pelly to Hay. Will wait on him any day he may appoint after Monday respecting the extent and population of the Hudson's Bay territories. 237

been  
age 145  
ensions  
Depart-  
Treasury  
ows of  
ir hus-  
whom  
In the  
of her  
ld not  
147  
Army  
ses to  
ent for  
150  
counts  
deputy  
when  
y, fuel  
ould  
mend  
rank  
151  
ideau  
ldiers  
et for  
14  
f the  
n the  
cons to  
r.  
153  
May,  
udit,  
rs of  
155  
thod  
with  
156  
was  
nger  
nial  
3  
our,  
the  
with  
52  
tive  
n it  
53  
the  
54  
fter  
Bay  
237

## SESSIONAL PAPER No. 9c

1829.

May 19,  
Admiralty.

**Barrow to Hay.** In reference to his letter, all that has been received of his surveys from Bayfield has been engraved and sent out, when more is received directions shall be given to have it published.

June 5,  
London.

**Address from the Commons for copies or extracts from communications sent by the Colonial Office to the Governors of Upper and Lower Canada.**

June 8,  
Treasury.

**Stewart to Hay.** The Lords of the Treasury agree with Murray that it would be objectionable to grant Caldwell a lease of Lauzon, but that he might remain as a yearly tenant at £2,000 a year.

June 8,  
London.  
June 11,  
Quebec.

**Buchanan to ———** Enclosed in Planta to Murray, 22nd June, 1829.  
**Durnford to Mann.** Enclosed in Byham to Hay, 4th September, 1829.

June 15,  
Ordnance.

**Byham to Hay.** The report of the failure of the Hog's Back dam had already been received. By has been called upon to state why he did not earlier report the failure of the contractor in the performance of his engagement and also to state what steps had been taken to indemnify the public.

June 19,  
Treasury.

**Stewart to the same.** The Lords of the Treasury have received dispatch that the legislature of Canada are willing to contribute a fair proportion of the cost of erecting lighthouses on St. Paul's Island and on Cape Ray in Newfoundland. Their Lordships have been also asked to contribute a share on the part of Newfoundland. They are willing to contribute towards so beneficial a plan but do not think Newfoundland should be called on to bear any material portion of the expense.

June 19,  
London.

**Buchanan to Planta.** Appeals for a continuance of his friendship and help in regard to his family.

June 22,  
Treasury.

**Enclosed.** Further observations showing the necessity of a canal agent.

**Planta to Murray.** Sends application from Buchanan, consul at New York, to have his two sons appointed canal agents in Canada without salary. Does not know Buchanan, except officially, but did not like to refuse to bring the subject under his (Murray's) notice.

**Enclosed** Extract from letter of Buchanan, 8th June, 1829, respecting his sons.

June 22,  
London.

**Memorial from Buchanan** to have two of his sons appointed canal agents without salary until that can be provided by the tolls.

June 24,  
Whitehall.

**Lemon to Hay.** Applies for the date of the grant to the Catawba Indians, so that he may search with greater facility.

**Peel to Murray.** Can he give him information that would enable him to answer the enclosed.

**Enclosed.** Nathaniel Gould. Transmits papers from the Board of Trade of Quebec respecting abuses in the Vice Admiralty court.

**Finlay, chairman of Board of Trade, Quebec to—**Complains of abuses in the Vice Admiralty court, sends list of copies of papers forwarded and asks that the question be brought before government as soon as possible.

June 25,  
Treasury.

**Stewart to Hay.** Transmits copy of letter from commissary general Routh on the supply of provisions for persons wrecked on Anticosti. It is presumed that the provisions were duly accounted for to the proper colonial authorities.

**Enclosed.** Routh to Stewart. Sends requisition for provisions for persons shipwrecked on Anticosti.

June 30,  
Whitehall.

**Requisition.**  
**William Peel to Hay.** Orders have been sent to the superintendent at Bermuda when sentences of death have been commuted to transportation for life.

63 VICTORIA, A. 1900

1829.  
July 1,  
London.

Garry to Murray. In accordance with the Act sends list of all persons employed by the Hudson's Bay Company in their territories for 1828.

Page 238  
239

*Enclosed. List.*

## Northern department

Governor.....	1
Chief factors and chief traders.....	45
Chaplains.....	2
Clerks.....	60
Servants.....	509
	— 617

## Southern department

Clerks.....	26
Servants.....	152
	— 178

Total ..... 795

July 2,  
Treasury.

Dawson to Hay. The sum of £50 disallowed for Captain Hope's expenses and ordered to be repaid has not yet been paid to Sargent. 181

July 3,  
Treasury.

Dawson to Hay. The Legislature of Lower Canada having from accidental circumstances failed to pass a bill for the payment of the militia, the Lords of the Treasury sanction an advance, care being taken to apply at the earliest moment for repayment. 182

July 3,  
London.

Lemon to Hay. A careful search has been made among the papers in the State paper office, but no entry can be found of a grant to the Catawba Indians. 398

July 4,  
War Office.

Sullivan to the same. To know whether the situation held by Vassal de Monviel is civil or military, the amount of his salary or emoluments and the date of his appointment. 235

July 8,  
Admiralty.

Melville to Murray. His intention to unite the naval commands on the North American coast and in the West Indies under one flag officer, with Bermuda as headquarters. The advantages in point of health &c. The Jamaica people may feel their dignity offended by their island being no longer the headquarters of an Admiral, but that should not outweigh other considerations. A senior Captain should be there to carry on the duties of that neighbourhood. The naval stations in the range are Halifax, Bermuda, Antigua and Jamaica, but the establishments have been discontinued since the war. Does not know if that at Jamaica can be discontinued, but it can be diminished. An endeavour will be made to concentrate all naval stores at Bermuda. 5

July 8,  
Ordnance.

Byham to Hay. He is directed to send approval of the purchase of the property of R. D. Fraser and Dr. Munro in the neighbourhood of Hog's Back. As lands must increase in value along the canal all should be secured that are likely to be required. 119

July 8,  
Ordnance.

The same to the same. Abridged report of progress on the Rideau Canal received. If the canal is to be completed by the 12th August 1831, as was promised by Col. By if he were allowed £137,000 for each of the three years 1829, 1830 and 1831, £140,000 must be allowed for each of the two years 1830 and 1831, only £130,666 having been granted in 1829. 117

July 14,  
London.

Sabine, Secretary to the Horticultural Society, to Hay. Description of the black birch and of its uses. 400

July 15,  
War Office.

Lukin to Hay. Desires to know if the Adjutant General of the Militia of Lower Canada is an efficient officer in time of peace or whether the salary is a retired allowance for former services. 236

## SESSIONAL PAPER No. 8c

1829.

July 17,  
Ordnance.

Byham to Hay. Orders have been sent to the Ordnance officers at Quebec to examine and report on the accommodation required for gunpowder and stores. Page 122

July 18,  
Horse Guards.

General order on the grants of land given to officers of the army settling in the British North American provinces. 16

July 20,  
Horse Guards.

FitzRoy Somerset to Hay. Sends copy of letter addressed to Kempt on the encouragement to be held out to officers of the army to become settlers in British North America. 18

*Enclosed.* FitzRoy Somerset to Kempt respecting officers of the army settling. Substantially as the general order of 18th May. 19

July 22,  
Treasury.

Stewart to Hay. Sends detailed list of the salaries of the officers of customs in Lower Canada. 184

*Enclosed.* List of salaries. 185

July 23,  
Foreign Office

Douglas to Hay. Barbour asks for copies of treaties with Indians inhabiting Florida. Asks that they be sent to the Foreign Office to be forwarded to Barbour. 55

*Enclosed.* Barbour to Aberdeen. Applies for copies of treaties between Great Britain and the Indians of Florida. 56

July 26,  
London.

Sabine to Hay. List of instruments which he believes will be sufficient equipment for Douglas. 401

July ,  
London.

Hamilton to Hay. The difficulty of giving a satisfactory answer respecting Griffin arises from the hesitation in selecting from a heap of accumulative testimony against his further employment. 364

August 1,  
London.

Hamilton to Hay. Has received copy of petition from Rev. Cornelius Griffin, which being original is returned. Sends reply to Wilmot Horton of 20th July, 1826, in reference to a letter from Griffin to Canning. The petition does not admit of a more direct answer, but a letter from the Bishop of Nova Scotia will tend to satisfy the Secretary of State that the society did not act with undue harshness in recalling Griffin. 365

*Enclosed.* Hamilton to Wilmot Horton. The board had fully considered Griffin's case before recalling him. 367

Bishop of Nova Scotia to Hamilton. His disgust at the misrepresentation and malignity of the charges brought by Griffin; his misconduct and want of truth. His charges answered in detail. 368

Further papers respecting Griffin. 391

August 8,  
Treasury.

Stewart to Hay. Transmits extract from remark respecting the settling department at Lanark. 186

*Enclosed.* Extract from report of the comptroller of army accounts, regarding the recommendation that if the settling establishment at Lanark be continued, which was not thought advisable, instead of provisions a pecuniary compensation be given. Cannot recommend the money compensation for reasons given. The case referred for the consideration of the Colonial Secretary. 187

August 8,  
Treasury.

Stewart to Hay. Transmits memorial from the commissioners of Customs, that the premises occupied as a custom-house at Quebec are ineligible and recommending that a house, the property of Caldwell, be purchased for the use of the customs. The subject referred to Murray for his opinion. 189

*Enclosed.* Memorial. 190

August 11,  
Treasury.

Stewart to Hay. In reference to application from the widow of Surgeon Richardson of the Indian department, the Lords of the Treasury call attention to letter of 15th April last and cannot see that the grounds on which the application is based would justify them in recommending an allowance. 193

August 11,  
Treasury.

The same to the same. In reference to the letter from the Board of Ordnance that it would be necessary to increase the vote for the Rideau Canal to £140,000, the Lords of the Treasury desire to have copies of

63 VICTORIA, A. 1900

- 1829  
all the papers on the subject before they can judge of the propriety of applying to Parliament for a further grant. Page 194
- August 21, Ordinance. Butler to Hay. In relation to the failure of the dam at Hogs' Back refers to letter of 15th June. A further report has been ordered respecting the precarious state of the dam at Smith's Falls. 124
- August 25, Horse Guards. FitzRoy Somerset to Twiss. Captain Isaac G. Ogden having sold his halfpay to settle, sends list of his services. One third of the purchase money will be held by Messrs. Greenwood, Cox & Co. till he produces a certificate of having settled. 21
- September 4, Admiralty. Attached. Statement of Captain Ogden's services. 22
- September 4, Admiralty. Barrow to Hay. The Admiralty cannot lend the two pocket chronometers asked for on behalf of Douglas to be used in the survey of the North-west coast of America. They will have two new ones made if they are paid for by the Colonial department, or part with two at the lowest price. 8
- September 4, Ordinance. Byham to Hay. A report should be made on an item of £300 for postage in the barrack estimates as the sum is very large, and if the matter is not checked will become a serious item. 126
- Enclosed. Durnford to Mann. Reason for placing the postal item in the estimates, the postage account having been before paid by the commissariat. 128
- Order of the military secretary not to charge the postage of the Engineer department or of the inspector of Ordnance to that office, but to the Ordnance. 130
- Stayner, postmaster. Circular to the postmasters how postage is to be collected from the Engineer's department. 131
- September 16, Treasury. Stewart to Hay. The Lords of the Treasury concur with Murray that if the House recommended for a custom-house be purchased the cost should be divided proportionately between the Crown and the province. 197
- September 18, London. Pelly to Murray. Sends extract of dispatch from Governor Simpson that relates to transactions on the west of the Rocky Mountains and a map of North America with M. S. notes of the Hudson's Bay Company's officers. 266
- September 19, Treasury. Stewart to Hay. Sends correspondence and plan for enlarging the fuel yard at Quebec by the appropriating of certain lots specified. 198
- Enclosed. Routh to Durnford. Urges the importance of increasing the fuel yard. 199
- Byham to Stewart. The Board of Ordnance have received correspondence from Quebec relative to the necessity of extending the fuel yard and transmits letter from Routh on the subject. 200
- Estimate of the expense. 202
- Plan of government property. 204
- September 23, London. Pelly to Wedderburn. Asks that the papers sent for Murray's perusal may be returned as he wants to reply to them by the ships now loading for the Columbia. 265
- October 1, Admiralty. Barrow to Hay. Orders have been sent to the captains and commanders to give Douglas such facilities as may be in their power. 9
- Demand for arms, &c. Enclosed in Byham to Hay, 2nd October, 1829.
- October 2, Ordnance. Byham to Hay. Transmits copy of demand for arms and accoutrements for a reserve establishment in Canada. The Board of Ordnance does not know if these are for his Majesty's troops or for the militia of the country. In the latter case the colonial government must defray the expense. The Board of Ordnance are always willing to give assistance to Colonial governments, but think that in Canada the colonial government might form depots of its own. 132
- Enclosed. Return of arms, &c., wanted to complete. 134



propriety of  
 Page 194  
 at Hogs'  
 ordered  
 124  
 sold his  
 purchase  
 produces a  
 21  
 22  
 et chron-  
 y of the  
 made if  
 vo at the  
 8  
 £300 for  
 and if the  
 126  
 item in  
 the com-  
 128  
 e of the  
 e, but to  
 130  
 age is to  
 131  
 ray that  
 the cost  
 the pro-  
 197  
 Simpson  
 s and a  
 mpany's  
 266  
 uring the  
 d. 198  
 ereasing  
 199  
 corres-  
 the fuel  
 200  
 202  
 204  
 perusal  
 loading  
 265  
 omman-  
 9  
 October,  
 ecountre-  
 ndnance  
 ilitia of  
 defray  
 e assist-  
 colonial  
 132  
 134

## SESSIONAL PAPER No. 8c

1829.  
 October 3,  
 London.
- Freeling to Hay. In reference to the report by Kempt of the non-  
 receipt of mails by the July packet states their shipment by the  
 "Goldfinch." Every inquiry shall be made at Halifax. Page 403  
*Enclosed.* Gay, Mail Agent at Falmouth, to Freeling. Reports that  
 the July mails were received by the agent at Halifax and it is to be  
 presumed the delay took place between Halifax and Quebec. 405
- October 8,  
 Foreign Office
- Backhouse to Hay. Sends copy of note from the Prince of Lieven,  
 that the Russian American Company intend to remove their factory  
 from Sitka to Kodiak. 57  
*Enclosed.* Prince Lieven to Aberdeen (in French). Reporting the  
 transfer of the Russian American factory from Sitka to Kodiak. 58
- October 8,  
 London.
- Sabine to Hay. Douglas sent to the Columbia River is to be of all the  
 service possible to government, the arrangement as to his reports,  
 &c. 407
- October 19,  
 Ordnance.
- Byham to the same. Applications have been made from officers of  
 the Ordnance and field train to be allowed to avail themselves of the  
 general order to officers desirous to become settlers. If allowed to  
 commute their half pay will they be granted the same proportionate  
 allotment of land as other officers? 135
- October 19,  
 London.
- Freeling to the same. The bag of dispatches for New York was sent  
 to Liverpool and put on board the "New York" which sailed on the  
 17th. 409
- October 24,  
 Foreign office.
- Backhouse to Hay. Aberdeen has applied to the Prince of Lieven for  
 letters of recommendation in favour of David Douglas to promote his  
 scientific inquiries on the western coast of North America. 59
- November 13,  
 Doctors'  
 Commons.
- Opinion of counsel, that there is nothing in the bill extending certain  
 privileges to persons professing the Jewish faith to warrant it being  
 disallowed. 68
- November 13,  
 Doctors'  
 Commons.
- Opinion of counsel, that the bill for rendering valid conveyances of  
 lands held in free and common socage should not receive His Majesty's  
 approbation. 69  
 Act for rendering valid conveyances of land, &c., held in free and  
 common socage. 73
- November 17,  
 Treasury.
- Dawson to Hay. Refers to Treasury minute of the 10th November  
 of which copy is sent that Murray may issue instructions to Kempt to  
 be communicated to the Assembly respecting the officers collecting the  
 customs revenues. 206  
*Enclosed.* Treasury minute with long details as to the salaries, &c.,  
 of customs officers. 207
- November 19,  
 Treasury.
- Dawson to Hay. The Lords of the Treasury approve of the arrange-  
 ments made by Kempt respecting the Cascades, Split Rock and Coteau  
 du Lac canals. 227
- November 20,  
 Treasury.
- The same to the same. Has laid before the Treasury the documents  
 respecting the reductions in the Indian department with proposals for  
 improving the condition of the Indians in various ways stated. The  
 Lords of the Treasury approve of the reduction and the proposed  
 improvements. In settling the accounts of Upper Canada the practice  
 should be adhered to of transmitting the accounts to headquarters. The  
 calculation of the cost of presents, &c., to be reduced to the actual price  
 as supplied by the Ordnance and not at the rate charged in Montreal.  
 The Indian department should in Upper or Lower Canada be placed  
 under the governor in each of these provinces, as recommended by  
 Murray. Agrees with the proposal that the money due to certain tribes  
 for land ceded to the Crown should be applied to building houses and  
 purchase of agricultural instruments for such tribes as may be disposed  
 to settle. 229
- November 26,  
 Ordnance.
- Byham to Hay. Asks for a statement of the numbers of militia in  
 Upper and Lower Canada. 137

63 VICTORIA, A. 1900

1829.		
December 2,	Stewart to Twiss. To have further information on the subject of losses by the officers at Drummond Island.	Page 234
Treasury.		
December 2,	Byham to Hay. In reference to the demand for arms, etc., for the reserved establishment in Canada, will the present demand complete the stores required?	138
Ordnance.		
December 4.	Pelly to Murray. Sends extract from Simpson's dispatch which refers to the country west of the Rocky Mountains in Rupert's Land and calls Murray's attention to the proceedings in the last Congress of the United States, a printed copy of which is sent.	267
London.		
December 5,	Barrow to Hay. Sends report from Rear Admiral Ogle on the state of the Newfoundland fisheries for last season.	10
Admiralty.	Enclosed. Report of the condition of the fisheries during the last season.	11
	Barrow to Hay. An investigation into the state of the inhabitants of Anticosti has been ordered to be instituted by the admiral on the North American station in concert with the Governor General.	13
December 31,		
Admiralty.		

## MISCELLANEOUS, 1829.

(Part I is paged from 1 to 247, part 2 from page 248 to 511, part 3 paged from 512 to 753.)

## Q.—192—1—2—3.

Various dates. For papers relating to the Huron Indians, see 2nd November, 1829.

1828.  
August 30,  
Downing  
Street.  
Hay to O'Halloran. Enclosed in O'Halloran to Hay. 26th January, 1829.

August 31,  
Sault St.  
Louis.  
Memoir of the Indians of Sault St. Louis for restoration of land detached through error from the grant of the land at the Sault St. Louis made by Louis XIV in 1686. Page 600  
Petition of the Iroquois of Sault St. Louis. 615  
The signatures begin at 621  
Certificates of the witnesses. 625  
Documents, maps, etc., brought by the chiefs of the Iroquois of Sault St. Louis. 626 to 651

December 1. James Buchanan to Hay. "Thoughts on the present state of the "Canadas, in relation to their indissoluble connection with the Crown "of England." Opposes the idea of breaking down the seigniorial tenure and urges that encouragement be given to the French Canadians to improve their lands. Approves of taxing wild lands in Upper Canada, which he hopes will extend to the lower province. The seigniors are not all French, some of the principal seigniories being held by British subjects. The propriety of making the customs duties available for the civil government, and hopes that the right to tax commerce may always be retained by the Imperial Government. Minute argument on the subject. The ungrateful return made by grantees of large tracts of land, regarding it as an oppression if they are called on to perform their part of the terms of the grant. The importance of the relation of Canada as part of the Empire. The danger of reserving 1-7th of the land to the clergy. Other considerations, especially those respecting the secularizing of the clergy land. 86

ect of losses  
Page 234  
etc., for the  
complete the  
138  
which refers  
nd and calls  
f the United  
267  
on the state  
10  
ng the last  
11  
habitants of  
n the North  
13

11, part 3

November,

uary, 1829.

on of land  
alt St. Louis  
Page 600  
615  
621  
625  
ois of Sault  
626 to 651

tate of the  
the Crown  
seigniorial  
Canadians  
in Upper  
ne seigniors  
l by British  
ble for the  
may always  
on the sub-  
ta of land,  
a their p:  
Canada 23  
land to the  
he secular-  
86

## SESSIONAL PAPER No. 3c

1829.  
January 1,  
New York.

January 3,  
Bath,

January 4,  
Quebec.

January 5,  
London.

January 6,  
Mount Acca.

January 7,  
Little  
Hampton.

January 8,  
New York.

James Buchanan to Hay. Has drawn for £21 to pay a special messenger for carrying a bag of dispatches to Kempt. All dispatches for him or Colborne can be forwarded with the greatest dispatch and at trivial expense considering the distance.

Armstrong to the same. Sends petition from his relative Willy, which, he hopes, will receive favourable consideration.

Fisher to Murray. Submits memorial for himself as editor of the Quebec Gazette, whose profits are small and it is proposed to withdraw from it all the printing for the Montreal district, in which case it would be rendered almost impossible to continue the official gazette at headquarters.

Enclosed. Memorial of John Charlton Fisher with an account of the official gazette; memorialist considers that as editor of the gazette he is an officer of the Court of King's Bench and that the payment of his salary should come out of the funds for the administration of justice.

Johnson to Hay. Apologises for delay in calling when desired, as he was occupied with the case of his son who is only now recovering from a formidable operation. Asks him to grant an interview.

O'Ryan to Bathurst. What qualifications are necessary to obtain orders in the Church of England as a missionary to any of the colonies; can give the most unexceptionable references as to character. His educational acquirements.

Fitzgerald to Murray. Sends summary of reasons for establishing the packet station for the North American colonies in the West of Ireland rather than on the eastern coast or within the channel. Having been concerned in the attempt to form a joint stock company with that object he possesses detailed information as to the means and profits of doing so. The Dukes of Wellington and York approved and the plan would have succeeded but for some villains who obtained employment and involved the company in legal and other difficulties, which led to the abandonment of the project. They have since ascertained its practicability and profitable nature and almost every member of Liverpool's cabinet including himself has assented. Is especially indebted to Wellington for his considerate attention to the subject and who gave him much light from his own experience, but the proposal is likely to meet effective counteraction in subordinate departments. Is more and more convinced of the importance of the subject which is increased by the bitter opposition at Liverpool influenced from New York, treating the case as one clashing with their national and political interests. Thinks the moment favourable to submit the proposal to the heads of departments. The papers are not so well put together as they ought to be, but he (Murray) is already well conversant with the subject.

Enclosed. Argument in favour of Valentia as a packet station with note of the improvements effected on the mail routes from Halifax.

Distance from Falmouth to Halifax ..... 2,775 British miles.  
From Valentia to Halifax ..... 2,465 "

Less navigation from Valentia... 310 252

A proposal for steam navigation from Europe to America and the West Indies; with tables of distances, number of passengers carried and other details.

James Buchanan to Hay. Reasons for his being deeply interested in the measures respecting Canada; sends the ideas he has put on paper. Might have softened his expressions but the whole truth should be known at the Colonial Office. Had suggested arrangements to Lord Wallace then at the Board of Trade, which were satisfactory. The colonial agents are more concerned with the interests of the colonies

1829.

63 VICTORIA, A. 1900

they immediately represent than with those of the empire, especially in its relations with foreign states. The propriety of having a commissioner in the colonies to watch over trade measures; this appointment has kept his attention alive to Canadian subjects and British connection. By such an appointment the unceasing vigilance of the United States may be counteracted.

January 13,  
Grantham.

Heron to Murray. There are many in his neighbourhood who desire to emigrate. Asks for information to guide them. 455

January 15,  
London.

Picken to the same. Sends copy of McGregor's sketches of British North America; apologises for sending it in boards as a new edition is about to be published which will be more worthy of his retention. Shall call to learn what improvements are suggested. 512

January 17,  
London.

A. C. Buchanan to —. The delay to have his office established on an efficient footing. His (Buchanan's) letter showed that delay was anticipated. It might have been avoided by granting him a commission. Dalhousie and Kempt both approve of his suggestions but desire to know why no commission was brought. Has written to the Secretary of State showing the necessity for his appointment. Asks that such orders may be sent as will obviate the difficulty he is in. Hopes that funds may be provided before the settlers begin to pour in which will be in May. Has by voluntary subscriptions provided work for several hundred poor emigrants, who came last year and would otherwise have starved. Is sorry to say the timber and land fund is bankrupt; the folly of forcing land sales without settlers; a few hundred industrious families settled as a nucleus would cause an increased land revenue. 58

January 23.

Davidson to Hay. Sends statement of the receipts and disbursements of the department of woods and forests from 24th June, 1826, to 31st December, 1827, with other documents. The transactions of nearly two years, after deductions, which are noted, leave a balance of £183.9.1 in favour of the government, and for the present year there is a surplus of £455 17s. 4d. together £639.16.5 currency or £575.16.9 sterling. Further remarks on the finances and figures taken from the accounts. 196

Enclosed. Davidson to Hill, 1st May, 1828. Account of the various occurrences since he received his commission on the 15th November, 1826, with system of licenses adopted for the different districts; the description of the timber to be cut in them and other information. 201

Statement of money relating to the department of woods and forests between 24th June, 1826, and 31st December, 1827. 211

Return of the timber cut on the Crown lands of Lower Canada during 1828. 216

January 24,  
Paisley.

Burns to —. Acknowledges receipt of cheque. Rev. Gavin Lang appointed to Lanark and Dalhousie, but before he can be ordained there must be assurance respecting the salary. The people have offered about £70, but something of a more stable character is necessary. 3

January 26,  
Six Mile  
Bridge.

Halloran to Hay. In accordance with the terms of enclosed letter sends document to be forwarded to the governor of the colonies. 456

Enclosed. Hay to O'Halloran. Although Murray does not imagine that the Government of Lower Canada can give him information relative to his son, yet he has no objection to forward any letter he may wish to transmit. 457

(The name whether Halloran or O'Halloran is given here as in the original.)

February 16,  
Quebec.

Felton to Hay. Sends his account for 1828, as commissioner for the sale and management of Crown lands. As the system in use has experienced no obstructions, he does not feel authorized to trouble him (Hay) with suggestions. 230

Enclosed. Account current 231

(The names of the purchasers are given.)

especially in  
Commissioner  
ent has kept  
on. By such  
ates may be  
Page 82  
who desire  
455  
s of British  
w edition is  
s retention.  
512  
ublished on  
t delay was  
ommission.  
at desire to  
e Secretary  
such orders  
that funds  
will be in  
several hun-  
wise have  
rump; the  
ndustrious  
venue. 58  
ursements  
26, to 31st  
nearly two  
183.9.1 in  
surplus of  
Further  
196  
he various  
ber, 1826,  
the des-  
n. 201  
nd forests  
211  
da during  
216  
vin Lang  
ordained  
ve offered  
y. 3  
ed letter  
456  
imagine  
relative  
ay wish  
457  
as in the

r for the  
e experi-  
n (Hay)  
230  
231

## SESSIONAL PAPER No. 8c

1829.  
February 21,  
Plymouth.

February 23,  
Quebec.

February 24,  
London.

March 2,  
London.

March 7,  
Antrim.

March 16,  
New York.

March 25,  
Washington.

April 5,  
Quebec.

April 10,  
London.

April 16,  
London.

April 18,  
London.

April 20,  
Quebec.

Hamilton to Wilmot Horton. Asks that the address of Darling be put on enclosed letter. Page 458

Christie to Murray. Sends a copy of memoirs of the administration of the government of Quebec by Dalhousie. Is desirous they should come under the eye of the Colonial Secretary and besides as an official he does no more than his duty in transmitting them. 121

Pinsent to Murray. Fears being expressed that the Canadas would revolt and throw themselves into the arms of their neighbours, suggests they be made an integral part of the British Empire by an act of union and representation in Parliament as is the case with Ireland, giving them protection from foreign competition. Unless they are united to the mother country all the colonies will be lost one after the other. 514

Panton Corbett to Hay. Sends statement at the request of one of his constituents, who is a friend of the writer. Asks for an answer. 122

Enclosed. Penny to Panton Corbett, 10th September, 1828. Sends observations on the culture of hemp in Canada, which he asks to be presented in the proper quarter. He sails for Canada on the 16th. 123

Observations on the growth of hemp in Canada and asking that buildings at La Chine now used in connection with the canal, may be appropriated for machinery for the manipulation of hemp. 124

Campbell, Mitchell and McGuiggin, petition to be employed as hunters in the North-west. 127

James Buchanan to Hay. His mortification that after thirteen years without the remuneration attending to the agency of the Colonies through his post he found that another was appointed. He had forwarded upwards of 5,000 subjects of His Majesty to Upper Canada and hopes that Sir George Murray made the appointment without being aware of the fact, can appeal to the different governors and even to the correspondence in the colonial office. Asks if his services deserve to be treated in such a manner. 104

Vaughan to the same. The difficulty of procuring a set of congressional papers, as none are printed for sale. Has had an offer of a set which if not considered of sufficient value he will take on his own private account. Note at the end by Murray that he does not consider the price extravagant. 574

A. C. Buchanan to the same. Sends under cover letter for Horton and newspapers, with observations on emigration and settlement. 61

Mossington to Murray. Applies for a grant of land, having been employed on the lakes during the late war; on the reduction of the shipwright's department to which he was attached, he also was reduced and his pension is not sufficient to support his large family. 483

Enclosed. Certificate of his services by Commissioner Hall. 485

Authority to pay Mossington five-twelfths of his full pay as a pension. 486

Mackintosh to Murray. Had received from By two plans of the Rideau Canal and a packet to be delivered. Had gone over the canal with By in February, and would be glad to give information on its state. Where is he to send the papers? 487

Gale to ———. Regrets that he could not wait the return of his correspondent, as he goes to Liverpool to embark. Does not know what has been done about reimbursing his expenses and official allowance. Has paid all his expenses from his own means, beside losing his professional income. 314

Bishop (Anglican) of Quebec to Murray. Introduces Bethune, whose case was under consideration in 1826. Its reception there justifies, he thinks, this renewed application. The recommendation in favour of Bethune should not prejudice the prior and stronger claims of Mills. 524

63 VICTORIA, A. 1900

1829.  
April 24,  
Quebec. Bishop (Anglican) of Quebec to Murray. Recommends the case of Mills who is about to forward documents relating to his claims for remuneration for his services. Repeats that if the two come into competition, the claims of Mills are stronger than those of Bethune. Page 526
- April 25,  
Quebec. Dr. Mills to the same. Hopes that Bethune's claims may not supersede his, which are prior and superior to Bethune's. Shall be in London in summer, when he hopes to have an opportunity to state his case. 488
- April 28,  
Quebec. Opinion of Attorney General Stuart on the claims of the Huron Indians of Lorette. 706
- April 29,  
Navy Office. Smith to Hay. Recommends Mossington's application, he being a good man and worthy of anything that can be done for him. 573
- April —,  
Washington. Vaughan to Hay. Further respecting congressional papers. 577
- May 4,  
Surrey Road. Griffin to Murray. Quotes the terms of the treaty with the United States that the legislatures of the States are to be recommended to restore confiscated estates and asks what steps should be taken on behalf of the heirs of the late Fisher, whose property was confiscated. 316
- May 9,  
Bath. de Rottenburg to Hay. Certificate of the zeal and ability shown by Rev. P. Robitaille as chaplain to the embodied Canadian militia of Lower Canada during the late war. 530
- May 13,  
London. Paterson to Colonial Secretary. Respecting a grant of land in the Floridas. 516
- May 24,  
St. Charles. Rev. P. Robitaille to Murray. Is sending a petition by the hands of two priests who are going to London. 531
- May 25,  
Portsea. Mrs. Hare to the same. Applies for a passage for herself and daughter to join her husband in the commissariat department at Quebec. 459
- May 25,  
Quebec. Affidavit that she is the wife of Hare. 460
- May —,  
St. Charles. Roman Catholic Bishop and Coadjutor to Murray (in French). Introduces two priests who desire to speak of the affairs of the Seminary. 518
- Memorial of Rev. P. Robitaille for half pay, a pension or allowance as chaplain to the embodied militia of Lower Canada. 532
- Certificates by de Salabery (535), Marchand (536), Hertel de Rouville (537), Bourgeois (538), René de Luterrière (539), Macdonald (540), Heriot (541), Prevost (542), in favour of Rev. P. Robitaille as chaplain to the embodied militia of Lower Canada. 535 to 542
- June 8,  
London. Brennan to Murray. He is the conformed clergyman who stated in a memorial that he wished to go to Canada as a missionary, to which he was answered that no free passages were given. He has made up his mind to go to Canada and has been persecuted because of his conformity. 5
- June 9,  
London. James Buchanan to ———. Has improved the mail communication between New York and Upper and Lower Canada and Sir John Colborne has been advising with him on the subject. He is prepared to show how the home post office revenue will be benefited, the conveyance greatly accelerated and the community accommodated. Will attend at the Colonial Office or on Sir Francis Freeling to give a personal explanation. 106
- June 11,  
Quebec. Extract from letter from Quebec. Enclosed in Gould to Murray 14th
- June 11,  
Lambeth. Memorial of Griffin to Murray. Quotes Act of Anne that, in certain cases, liberty was given to the clergy to appeal to Her Majesty. In accordance therewith he appeals to have a remedy provided for the persecutions to which he has been exposed. 424
- Petition of Griffin to the King, setting out in great detail the persecutions to which he alleged he was subjected. 427
- June 12,  
London. James Buchanan to Murray. Had since 1816 endeavoured to turn the tide of emigration to the provinces, chiefly to Upper Canada and was authorized to expend \$10 on each emigrant. Was impressed with the



se of Mills  
remunera-  
mpetition,  
Page 526  
not super-  
in London  
case. 488  
he Huron  
706  
e being a  
573  
s. 577

ne United  
ded to re-  
on behalf  
316  
shown by  
of Lower  
530  
nd in the  
516  
hands of  
531  
daughter  
459  
460

o). Intro-  
nary. 518  
owance as  
532  
Rouville  
o), Heriot  
ain to the  
35 to 542  
ated in a  
which he  
e up his  
his con-  
5

unication  
Colborne  
how how  
e greatly  
d at the  
explana-  
106  
ray 14th

a certain  
esty. In  
the per-  
424  
persecu-  
427  
turn the  
and was  
with the

## SESSIONAL PAPER No. 8c

1829.

- injurious policy of this and abandoned it except under very calamitous circumstances; the settlements he peopled since then are amongst the most prosperous and loyal in the province. Is convinced that money is not the means to bring useful and industrious emigrants to Canada. Would support his views if honoured with an interview. The administration of Colborne would soon become what its capabilities are calculated to produce and an excellent opportunity is presented by the course the Canada company seems disposed to adopt. Sends some ideas respecting the St. Lawrence. Page 108
- Enclosed.* "The opening of navigation of the St. Lawrence considered," dated 20th November, 1828, signed "Chatham." 110
- June 12, Washington. Vaughan to Hay. Is forwarding the congressional papers; will draw and write officially to Murray. If the purchase is not approved of he will relieve the colonial department of the papers and reimburse the expense but not to dishonour the bill drawn. 579
- June 13, Quebec. A. C. Buchanan to the same. Sends printed documents to show the extent of arrangements for facilitating emigrants in the Canadas. 62
- June 23, Admiralty. *Enclosed.* Documents respecting immigration. 63 to 75
- June 30, Quebec. Beaufort to Hay. Asks that he be lent Douglas's map of the Columbia river. 7
- Bishop (Anglican) of Quebec to Murray. Introduces Mills and recommends for favourable consideration the representations he may make on his own account as well as on account of the Royal Institution. 528
- Bethune to Murray. Sends petition with a letter from the Lord Bishop of Quebec. Suggests that a change might be made in the source from which his (Bethune's) additional salary is derived, namely, from the Jesuit estates to the unappropriated revenues of the clergy reserves. The application of the funds of the Jesuit estates to almost entirely protestant objects is loudly complained of by the Roman Catholic population. 53
- Enclosed.* Petition from Rev. John Bethune respecting increase to his salary. 55
- July 1, Edinburgh. General Murray to Sir George Murray. On the subject of lands granted in West Florida to Lord Elibank. 490
- July 6, Lambeth. Griffin to the same. Has been informed that his petition had been laid before the King, but not of the result. Sir Howard Douglas has written that when he gave his opinion for his (Griffin's) recall, he did not know whether he was in fault or not. This should incite to an investigation and also to let him know the King's decision. Made this application on the recommendation of the Duke of Wellington. 441
- Gould to Murray. Sends letter from a man of great good sense, &c., in Quebec. His own observations appeared partially from his notes in the *Morning Post* and *Blackwood's* magazine, but his absence had stopped the publication as he was about to enter particularly on Canadian politics and statistics. The exaggerated ideas of the members of the House of Assembly as to the formation of a *nation canadienne*. The great change that has taken place in Canada since Parker resided there, who gave evidence before the committee of the House of Commons. He seems to be mad on the subject. In Upper Canada a certain number of drunken demagogues, editors of papers, keep up the ball. The importance of the subject has induced him to trouble him (Murray). 320
- Enclosed.* Extract from a letter from Quebec, 11th June, 1829. Pity for the Glasgow weavers, of whom he was glad to see some had reached Canada. His desire that all visitors would be equally frank with him (Gould) in stating their opinions. Does not know what government intends to do with the litter of cubs who seek to make the country French or American. The attempt to save Dalhousie at the expense of the influence of the Crown and of the English speaking population who

1829.

63 VICTORIA, A. 1900

- will be cast into the sea, head and foot, unless some great effort be made. The necessity of having the two races amalgamated. The English language can only be used in the province if the Imperial power interferes. The deceitful calm brought about by the transference of the power to one branch of the legislature. The prosecution of this power to the utmost, and the leaders insist on having all the offices and influence as the country is theirs, and having obtained control of the finances, they now seek to secure the landed estates of the Crown so as to keep out British settlers. Page 324
- July 18, Matlock. Nuttall to Colonial Secretary. Asks advice as to how George Walton is to proceed to get what has been left to him by his brother who died in Montreal. 129
- July 23, London. Cockburn to Hay. The box of plans and papers has arrived and may be sent for. 129
- July 24, Dublin. Petition of James Kearns, stating his services and praying for some compensation to enable him to provide for his helpless family. 470
- July 25, Quebec. A. C. Buchanan to Hay. Suggests publishing the account of the conviction of the master of the Brig *William and James* as a warning to the masters of vessels carrying emigrants. 76
- July 25, Tunbridge Wells. *Enclosed.* Reports of the trials of the masters of vessels carrying emigrants for violation of law. 77
- George Head to Murray. Sends copy of a book called "Forest Scenes," &c. The importance of a settlement to contribute to an improvement in the poor laws. How such a settlement could be formed. 461
- July 29, London. Bastable to Murray. Asks him to return letter from Lords Dalhousie and Donoughmore in his (Bastable's) favour. Asks to be informed whether any further grant of land can be made to him or to his son and on what terms; will his losses be taken into consideration so as to remunerate his family. 8
- August 3, New York. Vaughan to Murray. Has purchased from different sources a collection of the printed state papers of the United States from 1789 to 1828. Has paid the amount for which he will draw on the Colonial office. Has taken steps to secure further issues of the papers. 582
- Enclosed.* Statement of expenses for the purchase of the United States state papers. 584
- Receipts. 585
- August 6, Reyden. Darling to Hay. Sends letter for Kempt to be forwarded with the first government dispatches. Would have called on his return from France but was obliged to hasten to Reyden being apprehensive of an illness which would have detained him. Shall be glad to receive any orders that may call him into activity. 218
- August 6, Lambeth. Griffin to Murray. Had been informed of his petition being laid before the King but not of the result. Asks to be made acquainted with it. 443
- August 8, Lambeth. Memorial of Griffin to Murray. Complains that owing to the non-residence of Bishop Stanser in Nova Scotia, he was unable to get a certificate so that he could obtain preferment or a curacy. 444
- August 10, London. Jarrett and Tadman to Murray. Offer their services for the forwarding and protection of emigrants. 466
- Enclosed.* Advertisement of the firm. 468
- August 11, Lambeth. Griffin to Murray. Has been refused a certificate by Bishop Inglis, on the ground that he was not Bishop when he (Griffin) had a cure in Nova Scotia. Cannot understand how Bishop Inglis could have recommended the depriving him of his salary, as he wrote to the society that there was no stain on his character. Asks for copies of papers in the Colonial Office which he (Murray) says renders it impossible for him to certify the fact of his good behaviour during his residence abroad. 447

great effort  
mated. The  
perial power  
rence of the  
this power  
and influence  
ances, they  
to keep out  
Page 324  
rge Walton  
er who died  
510  
ed and may  
129  
g for some  
470  
of the con-  
ning to the  
76  
e carrying  
77  
d "Forest  
to an im-  
formed.  
461  
Dalhousie  
informed  
is son and  
so as to  
8  
a collec-  
9 to 1828.  
fice. Has  
582  
e United  
584  
585  
with the  
arn from  
ve of an  
eive any  
218  
ing laid  
quainted  
443  
he non-  
o get a  
444  
Forward-  
466  
468  
Inglis,  
cure in  
recom-  
ety that  
in the  
him to  
447

## SESSIONAL PAPER No. 8c

1829.  
August 13,  
Hempstead.

August 14,  
London

August 18,  
Lambeth.

August 24,  
Liverpool.

August 24,  
Quebec.

August 26,  
Lambeth.

August 31,  
Lambeth.

September 11,  
Clonmell.

September 23,  
London.

September 29,  
Colonial Office

Jane Lane to —. Applies for information as to the death of her uncle Lieut. Hybart, as it is supposed he had left property. Page 480

Pinsent to Murray. The check on colonial enterprise by admitting American goods duty free and leading them to depend on foreigners for supplies with which they could otherwise supply themselves and give profitable employment. Suggests a fifty per cent duty on all foreign goods consistent with good policy. Suggests other duties on foreign goods and as freights entering the United Kingdom as a means of encouraging industries at home and in the colonies, thus furnishing employment in the latter and diminishing the poor rates. The objection to these measures increasing the price of articles to the consumer answered by asserting that the savings in other directions would reduce the cost. How the natives of Van Dieman's land could be civilised. 520

Griffin to Murray. Bishop Inglis and the Society for the Propagation of the Gospel having given him certificates of the propriety of his conduct he must consider himself as a martyr too good for the service of the society. Renews his application of the 11th for copies of the documents which prevents him (Murray) from certifying to the goodness of his character or else to give him a testimonial in accordance with ecclesiastical and civil laws. 449

Eyre Evans to Murray. Suggestions of how to deal with Canada for the benefit of England. The rapid growth of Canada. How it could be used for emigration. Believes that for New South Wales and Van Dieman's land the true garrison would be women. The good policy of encouraging their emigration to leave room for others. 219

Kerr to Talbot. Applies for his influence to obtain retirement from the Bench and if he (Kerr) is allowed to retire on a pension asks that it be paid in England as is the case with those paid to the judges of Upper Canada. 475

Enclosed. Extract from a letter to Sir James Kempt relative to the Court of Vice Admiralty. 477

Griffin to Murray. Has received no answer to his application for copies of documents addressed to the Colonial department against him to which he considers himself entitled. 452

Griffin to Murray. Has received letter that he will not be furnished with the documents or a testimonial. Applies for an impartial investigation, as all he wants is justice. 453

Borland to Colonial Secretary. Asks for the return of memorial applying for a grant of land. 10

Richards to Murray. Sends long letter respecting the Canadian question with a rough sketch of the plan of settlement. Will submit a copy to Baring as it may secure his approbation and support. 544

Enclosed. Rough sketch of plan of settlement. (1) "Prepare the country for settlement by reconnoitering, by laying down roads and by surveying the districts determined upon. (2) Place on them emigrants, giving them their choice of lots and such assistance as may be found necessary. (3) Encourage mills, schools and churches. (4) Occasional visits by an agent, to see to roads and bridges, stimulate exertions, prevent dissatisfaction and report upon the state of the country. (5) The careful appointment of civil officers. Thus the wilderness becomes inhabited, subsistence abundant, new settlers are the consumers, traders flock in, and the wheel of human intercourse turns round of itself. The only thing wanting is circulating medium." 546

The plan in full. 548

Memorandum from the library on the importance of the congressional papers. 580

63 VICTORIA, A. 1900

1829.  
October 5,  
London. Richards to Murray. Is going to pass some time with Baring. Suggests that he might write Baring so as to get his opinion of the qualifications of his (Richards') son and of the plan of colonization. Page 564
- October 8,  
Wellpark. Memorial of Bridget Lawlor for information respecting her husband who emigrated twenty-eight years before and from whom she has not heard. 481
- October 9,  
Montreal. Gale to Murray. In 1827 it was reported that measures respecting Canada were to be taken. As erroneous impressions might be made he was sent in 1828 to London to afford information concerning the actual condition of affairs. Account of his proceedings in London during his sixteen months' residence there. States his claims for remuneration that were guaranteed. 331
- October 15,  
New York. J. C. Buchanan to Hay. Has forwarded the dispatches and drawn on Yorke for the expenses as directed. Mails addressed to the post office have been sent by the consul for Maranhham who sails to-morrow for Liverpool. 119
- October 15,  
London. Fyson & Breck. Inquiry as to the heirs of Hector Lithgow, who died in Calcutta in 1785, leaving his property to two natural sons supposed to be living in Halifax, Nova Scotia. They died without issue and an endeavour is now made to ascertain who is next of kin. A man named Hector Lithgow is reported to have enlisted in the 78th Regiment and to have received a grant of land. Asks if the name of Hector Lithgow appears in such grants. 245
- October 20,  
Liverpool. Memorial of Liverpool merchants. Had shipped goods by the *Joseph* for Quebec which was wrecked on the Bird Islands; great part of the goods was saved and taken to the Magdalen Islands where the people refused to deliver them up to Lloyd's agent. Pray that an investigation may be ordered, and those guilty of the plunder punished and the goods restored. 492
- Enclosed.* Dawson, agent for Lloyd's to Cannon, Miller & Co. Reports the circumstances of the wreck, &c. 494
- Deposition of Robert Mearns, late master of the *Middlesex* of London. His strong suspicions of the people of the island of Anticosti. 497
- October 24,  
London. Gibson to Murray. Repeats his request of 17th November to be informed if a reservation of lands for the Indians had been made on the Rice Lake in consequence of a licence of occupation. 337
- October 29,  
Quebec. List of persons to whom a copy of a pamphlet (not named) were sent. 463
- October 31,  
London. Flower to Murray. Sends two letters found amongst Perceval's papers at Quebec. He died on his passage from Quebec going to join his family at Florence. 247
- November 2,  
Lorette. Memorial of the Huron Indians of Lorette setting forth their services, the concession of land made to them, its loss by the operation of laws of which they know nothing, a loss they did not feel when they received large presents and had the proceeds of their hunting and fishing. Ask that the petition be taken into favourable consideration and such orders respecting it may be sent as shall be considered suitable. 652 753
- Signatures. 655
- November 10,  
Quebec. Christie to Murray. Transmits petition from his constituents in the county of Gaspé in relation to his expulsion from the Legislative Assembly. Minute account of the proceedings in relation to passing the bill respecting justices of the peace. 130
- Enclosed.* Petition from the freeholders and inhabitants of the county of Gaspé. 149
- Cochrane to the chairman of quarter sessions for a list of the justices of the peace for the district of Quebec 155
- Report of the committee on the bill for the qualifications of justices of the peace. 156

uggests  
ications  
uge 564  
usband  
has not  
481  
pecting  
made he  
actual  
ing his  
eration  
331  
awn on  
t office  
ow for  
119  
o died  
pposed  
and an  
named  
nt and  
thgow  
245  
Joseph  
of the  
people  
gation  
goods  
492  
reports  
494  
ondon.  
497  
to be  
on the  
337  
were  
463  
eval's  
o join  
247  
vices,  
laws  
eived  
Ask  
orders  
2 753  
655  
n the  
ative  
ssing  
130  
ounty  
149  
tices  
155  
es of  
156

## SESSIONAL PAPER No. 8c

1829.

- Petition of Christie to the Assembly of Lower Canada complaining of the charges brought against his public and official conduct, the evidence being altogether *ex parte* and without his knowledge that his conduct was in question. The petition is long and detailed. Page 168
- Resolutions of the committee on the third report on justices of the peace concurred in by the Assembly. Notes by Christie on the resolutions. 186
- November 12, Memorial of the widow of the Hon. John Young states the claims of her husband as the originator of the army bills and asks the governor to bring the statements before His Majesty's ministers with a view to her obtaining a provision for herself and daughter. 587
- November 16, Certificate of the zeal of the Hurons and their attachment to their religion. Their grief at being unable to maintain their church in a proper condition; their necessitous circumstances. 656
- November 17, Notes by A. Stuart on the attorney general's opinion on the claims of the Christian Indians settled at Lorette of 28th April, 1829. 658
- Quebec. Plan of St. Gabriel and adjacent seigniories. 705
- November 18, J. C. Buchanan to Hay. A sealed bag of dispatches will be sent to Quebec as directed. 120
- November 18, Hayes to Hay. Applies for a situation in any of the vacancies that may arise from the death of Perceval, collector of customs at Quebec. 464
- St. Ambroise. Gibson to the same. Presumes that the letter refers to the settlement shown on the map. The school is at present under the protection of the United States and the proposed village will be situated near Penetanguishere. Sends report of the New England Company for the civilisation and conversion of the Indians &c 338
- Enclosed. Report. 339
- Maps. 405 to 407
- November 22, Baring to Richards. Believes great benefits would flow from a well regulated system of emigration, first as relieving the overcharged population, secondly, as a means of strengthening the North American colonies and, thirdly, as a measure of benevolence. These points are elaborated. 566
- Brighton. Richards to Murray. Is afraid he may think him neglectful of the subject on which he was to get Baring's advice, but the delay was unavoidable. Now encloses a letter from Baring on the plan which he considers practicable under good management. 565
- November 25, North House. West to Murray. Proposal for measures to civilise and improve the Indians of British North America. There is no longer heard the objection that it is impracticable to civilise the Indians. The school he established in the Hudson's Bay territory has given every encouragement of success. The various societies may do something but nothing effectual can be done without the help of government. 592
- November 30, Sarum. Enclosed. Plan for promoting the civilisation and improvement of the North American Indians within the British Territories. 596
- December 5, Creighton to Colonial Secretary. For information respecting his brother John Creighton, who went to Quebec twelve years before. 195
- Guernsey. Bexley to Murray. Recommends Rev. Mr. West whose services he had opportunities of judging of first as a missionary at Red River and then as agent to the Bible and Church missionary societies in the Canadas and Nova Scotia. 12
- December 10, Footscray Place. George to Murray. Determined to make his researches of service to his country, he had inadvertently written to the Duke of Wellington and now apologizes for not having addressed the Colonial Office. However, it has called attention to the country. His communication to the Duke was not by way of complaint, as interpreted by Kempt, but to gain a hearing. Hopes his plans will be found entitled to serious investigation. 408
- December 11, Quebec.

63 VICTORIA, A. 1900

1829.  
December 12,  
London. Bouchette to Murray. Is desirous to present his topographical map of Canada on any day that may suit his (Murray's) convenience. Page 11
- December 16,  
London. Amiôt to Colonial Secretary. Represents the case of the late Bouché de Niverville, whose family intends to claim the arrears of his half pay since 1811, but wish to take no step till they know if the claims would be favourably considered. 2
- December 22,  
Quebec. "Quebec Mercury." An article on the advantages of railways for Canada as respects transport for commerce or war. The article enlarges on the benefits that would arise from the establishment of railways. 410
- December 23,  
Quebec. George to "Quebec Mercury." Follows up the article on railways of the previous day, calling attention to his plan for carrying vessels of from 50 to 100 tons burthen from one river to another fully loaded, which is now in operation although laughed at when he proposed it. Proposes to make wooden railways for carts, waggons or rail carriages on a simple plan that would facilitate conveyance in a tenfold ratio as compared with the ordinary method. This opinion is founded on experiment not to be controverted by men who have not had experience. Argues that by his plan the cumbersome trees can be turned into good roads. Elaborates the argument. 416
- No date. An unsigned memorandum, apparently by George, advocating the building of wooden railways. It is entitled: "Memorandum of subjects worthy of investigation respecting the settlement and improvement of the Canadas." 422
- No date. Notices of portions of the evidence given before a select committee in 1828, on the claims of the Church of Scotland on the Clergy reserves. 13
- Religious census of the County of Montreal in 1825. 52

GOV. SIR JAMES KEMPT, 1830.

## Q-193-1.

1829.  
December 31,  
Rideau Canal. Report on the Rideau Canal. Enclosed in Kempt to Murray, 12th February, 1830.
1830.  
January 1,  
Quebec. Return of the Executive and Legislative Councils for Lower Canada. Page 3
- January 2,  
Quebec. Kempt to Murray (No. 1). Transmits the memorial of de Lorimier asking for leave to retire on half pay. States his services and sufferings and strongly recommends his case for favourable consideration. 9
- Enclosed. Memorial from de Lorimier. 12
- Certificates in favour of de Lorimier. 19
- Report of the proceedings of a medical board to examine and report on the health of Captain de Lorimier. 22
- January 3,  
Quebec. Kempt to Murray (No. 2). The diversity of opinions and the difficulty of obtaining correct information have prevented him from replying earlier respecting the Legislative and Executive Councils. In answer to the question as to the constitution of the Legislative and Executive Councils and how far it would be desirable to add a larger proportion of persons not holding office at the pleasure of the Crown, paper No. 1 will give all the information asked for. Summary of the information contained in the paper. Is not at present prepared to recommend material changes but thinks it will be desirable to introduce by degrees a larger proportion of members not holding office at the pleasure of the Crown and that the judges should not, with the exception of the Chief Justice, be in future given seats in either Council. Is disposed to think it will be expedient to appoint one or two of the most distinguished



ical map  
.

Page 11  
e Bouché  
half pay  
as would

2  
ways for  
enlarges  
ays. 410  
lways of

essels of  
loaded,  
posed it,  
arriages  
ratio as  
experi-  
erience,  
to good

416  
ing the  
subjects  
ement of  
422  
ittee in  
rves. 13  
52

ay, 12th

ada.

Page 3  
orimier  
erings

9  
12  
19  
report  
22

ne diffi-  
plying  
answer  
ecutive  
tion of

No. 1  
mation  
mment  
egrees  
of the  
Chief  
o think  
ished

## SESSIONAL PAPER No. 3c

1830.

January 4,  
Quebec.

January 4,  
Quebec.

January 8,  
Bytown.

January 12,  
Quebec.

members of Assembly to the Executive Council, with a view to give the popular branch confidence in the local government. The three members lately recommended for seats in the Legislative Council are men of large property and although it would be difficult to get many of this description yet he hopes a sufficient number would be found to fill up vacancies.

Page 24

*Enclosed.* List of the Legislative and Executive Councils of Lower Canada. 28

Recapitulation. The different classes of members. 32

Composition of the Executive Council showing if the office is held in conjunction with other offices. 34

Kempt to Murray (No. 3). Sends now documents and other information relating to the claims by the Indians to part of the Prairie de la Madeleine. The part in dispute consists of a front on the St. Lawrence of from 30 to 60 arpents by the depth of the seigniori 4 leagues. The revenue is about £25 a year and the banal mill yields about £500 per annum. Changes in the distribution of properties. Summary of the documents enclosed. 37

*Enclosed.* Schedule of documents. 52

Sketch of the seigniori of La Prairie and those adjoining. 55

Extract from the report of the commissioners of the Jesuit estates. 56

Extract from the grant of La Prairie dated 1st April, 1647. 60

Extract from the grant of Sault St. Louis, 29th May, 1680 and 31st October, 1680. 62, 65

Extract from the proceedings of the military council at Montreal, 22nd March, 1762. 67

Procès verbal of Jean Peladeau, sworn surveyor, 24th March, 1762. 79

Judgment of the court of common pleas at Montreal in 1766, in favour of the seignior of La Salle, reversed by the superior court at Quebec in 1768. 82

Minute on survey by John Collins of boundaries of La Prairie in 1769. 84

Extract from Lord Dorchester's speech to the Sault St. Louis Indians, 28th and 29th August, 1794. 87

Extract of Sir John Johnson's speech to the same, 5th June, 1797. 88

Judgment of the Court of King's Bench at Montreal, 17th April, 1797, against the claims of Christieto a portion of the seigniori of La Prairie. 89

Judgment of the Court of King's Bench at Montreal, 17th June, 1799, against the claims of the Indians of Sault St. Louis to a portion of the seigniori of La Prairie. 91

Ryland, secretary, with Craig's decision against the claims of the Indians of Sault St. Louis to a portion of La Prairie. 96

Alleged promises of Dorchester and Prevost to restore the disputed land to the Iroquois. 100

Extract from the ordinance of Gilles Hocquart, intendant, dated 10th January, 1732, reuniting a portion of the disputed land to La Prairie. 102

Opinion of the Attorney General, 22nd June, 1808, on the claims of the Indians upon La Prairie. 103

Kempt to Murray (separate). Andrew Stuart of Quebec has given attention to the question of the boundaries between Quebec, New Brunswick and the United States, and states that he has acquired a perfect conviction that the pretensions of the United States are without foundation. The grounds of this are contained in a memoir drawn up by Stuart, which he transmits. 107

By to Kempt. Enclosed in Kempt to Murray, 12th February, 1830.

Kempt to Murray (No. 4). The real obstacle to the mutation of tenures in the province is not any deficiency in the statute or instructions

1830.

63 VICTORIA, A. 1900

but indifference on the part of the population, the interest of the seigniors being positively adverse to it. The want of disposition on the part of the inhabitants may be attributed mainly to their attachment to ancient customs and from the feudal burdens being at present so light on the agriculturists as scarcely to be felt as an inconvenience or at least not so serious as to induce them to ask for a change. The nature of the charges and the defects in the Act of 1822 intended to permit mutation of tenure. The statute 6 George IV., cap. 59, has effectually remedied that defect. Other considerations.

Page 109

January 12,  
Quebec.

Kempt to Murray (No. 5). The necessity for an Imperial Act in favour of foreigners settled in the province; the question has become of more importance since the bill was passed increasing the representation. The elections of 8 new members for the townships took place in autumn and some of those elected are disqualified under the present law. The desirableness of some measure in their favour and it is not likely that those affected would be satisfied with less than has been given to aliens in Upper Canada. Urges that a similar Act should be passed for the lower province. Transmits copy of report on subject from the Attorney General.

120

*Enclosed.* Stuart, Attorney General, to Yorke. Report on the expediency of an Act for the relief of aliens and that the Act passed in Upper Canada should in substance be adopted in Lower Canada with such modifications as local circumstances might require.

123

January 13,  
Quebec.

Kempt to Murray (No. 6). Death of Justice Foucher; has appointed Rolland as his successor.

127

January 13,  
Quebec.

Same to the same (No. 7). Death of Sir John Johnson. Services of himself and his father, Sir William Johnson; attachment of the Indians to the family. Had he anticipated the death of Sir John Johnson, he would have recommended the retirement of Lt.-Col. McKay from the superintendence of Montreal and that Sir John's third son be appointed superintendent at Montreal with a salary equal to that at York. The qualifications of Major Johnson.

129

January 13,  
Quebec.

The same to the same (No. 8). Sends memorial from the committee of trade of Quebec stating the alarm of the merchants there at reported negotiations with the United States to allow them direct trade with the West Indies. Trusting to permanence of trade arrangements the merchants of Canada had invested large sums in the West Indian trade and will suffer serious loss should the reported measures be carried into effect. The importance of the subject will no doubt, lead to serious attention being given to it before any measure is determined upon.

133

January 14,  
Quebec.

*Enclosed.* The memorial, dated 12th January.

136

Kempt to Murray (No. 9). Has received authority to pay Gale £1,000 to reimburse him for his expenses whilst detained in England. Has paid him £300 to account, this is the first opportunity to pay Gale and regrets that the state of the funds does not allow him to pay a larger sum.

147

January 16,  
Quebec.

Same to the same (No. 10). Is informed that Buchanan's office as resident agent for emigration should cease at the end of two years from the date of his appointment; recommends that owing to his services the time should be extended for a year. Increase of emigration has been greater from the United Kingdom last season than in any former year and Buchanan has spared no pains to be of service. An equal number of emigrants expected this year so that he hopes Buchanan's office should be retained for the time mentioned.

149

January 18,  
Quebec.

The same to the same (No. 11). Has been desired to furnish all information on the subject of the clergy reserves and now sends the information so far as within his power. Has communicated the question as to the extent and value of the lands to the Lord Bishop of Quebec and

## SESSIONAL PAPER No. 8c

1830.

to the commissioner of Crown Lands who is agent for the clergy reserves. They have each delivered a paper of observations on the subject, transmits these papers of which a summary is made showing the nominal yearly value to be £1190 currency, the real amount collected to 1st July last being £217.18.11, which is an improvement, the previous year being £177.15.6, and on 1st July, 1827, the expenses exceeded the proceeds by £58.3.6. Sends papers containing detailed statements of the leases, &c. Further remarks on the subject. Page 151

Statement at the end of the letter of the population of the province according to the last census and the calculations then made, 432,095.

Church of England.....	14,750
Presbyterians (including both the Church of Scotland and all others that came under that general term).....	5,547
Methodists.....	2,182
Baptists.....	589
Other denominations.....	5,739

Total Protestants..... 28,807

*Enclosed.* Observations upon the clergy reserves by the Lord Bishop of Quebec. 162

(1.) The extended value of the clergy reserves in Lower Canada. 164

(2.) Means of most effectually and speedily rendering the reserves a source of profit. 166

(3.) Real extent of the inconvenience to which the settlers in the vicinity are exposed by means of the reserves. 176

(4.) The possibility of providing any equivalent and less objectionable mode of maintaining a Protestant clergy. 180

(5.) The numerical proportion which the adherents of the Church of England and Scotland respectively bear to each other and to the denominations of Christians in the province. 181

Circular by the Lord Bishop to the officiating clergymen and church wardens in his diocese. 185

Memorandum by W. B. Felton, Commissioner of Crown lands on the same subject. 191

Statement of clergy reserves in each township. 205

Statement of leases of clergy reserves now current. 207

Statement of receipts and expenditure of the clergy reserves for three years to 1st June, 1829. 208, 209

Kempt to Murray (No. 12). Points out that by the Act of George IV, cap. 62, the provision of 31 George III, cap. 31, still continues, so that in event of any sale of a clergy reserve lot for the benefit of the clergy the provision that another lot shall be granted to the reserves must be enforced, otherwise the deed is void. Asks that steps be taken to remedy this. 210

*Enclosed.* Report of a committee of the Executive Council on the question mentioned in the immediately preceding letter. 213

Kempt to Murray (No. 13). Sends copy of his speech delivered at the opening of the legislature. Had not included in it the message on the financial question, but will communicate it in a separate message. 216

*Enclosed.* The speech. 218

Kempt to Murray (No. 14). Has received five dispatches of which the dates and an abstract were given. 224

The same to the same (No. 15). Has been informed of the approval of the work of remodelling the Indian department and received directions to carry the same into operation at a cost not exceeding £20,000 sterling, besides rations, fuel and candles. He will carry these instruc-

63 VICTORIA, A. 1900

1830.

tions into effect, but is afraid he cannot do so in all details before the 24th of June. The savings effected in the department; the cost of Indian presents may be reduced. Placing the Indian department under the civil government is of no consequence when civil and military rule are in the same hands, but when divided the civil management is attended with inconveniences. The Indian department was formerly under civil management, but was transferred in 1816 to the military, and has since remained so. If the management is in the hands of the civil authorities, the pay is issued by the military and the presents by the commissariat. This anomalous condition would exist only in peace, for in war the Indians would be on a war footing and they prefer it to the civil authority. Urges that the department should continue under military rule.

Page 226

January 30,  
Quebec.

Kempt to Murray (separate). Sends copy of message sent to both houses of the legislature on the financial question. Has not strictly observed the instructions as he did not wish to renew the discussion on the finances, as apparently the question would be settled amicably. 232  
*Enclosed.* Copy of the message. 235

February 4,  
Quebec.

Kempt to Hay. Had transmitted a copy of the Message sent to the legislature on the financial question. Now sends copy of the address in answer, as it is of importance that Murray should have early information on the subject. 239

*Enclosed.* Address thanking the Governor for the Message that the King would take immediate steps to come to an amicable settlement of the financial question. 240

February 10,  
Quebec.

Kempt to Murray. (No. 16). Refers to the death of Sir John Johnson and transmits memorial from four out of his seven surviving children for an allowance from their father's income. Their circumstance of approximative poverty; their reliance on Mrs. Bowes, widow of Major General Bowes who was killed at Salamanca; strongly recommends that an allowance be made. 241

*Enclosed.* Memorial from John Johnson, Marianne Johnson and Archibald Kennedy Johnson on behalf of themselves and of their brother Sir Adam Gordon Johnson. 244

February 12,  
Quebec.

Kempt to Murray. (No. 17). Transmits letter from By, respecting the Rideau Canal which is satisfactory; will forward the condensed report and the annual reports on the Ottawa Canals when received. Is sorry that the canals at the Carillon and Chute à Blondeau have not advanced as he was led to expect, indeed at the former, except for clearing and surveying, no work has even yet been undertaken. Owing to the large excess of estimate for the Carillon Canal over the sum approved of, has convened a committee of competent officers to examine on the spot and report, with a correct plan and estimate which will be forwarded. He has in the meantime stopped all work, except small preparatory measures, until he receives further instructions. 253

*Enclosed.* By to Kempt. Sends account of the progress on the Rideau Canal, 8th January, 1830. 256

Report on the Rideau Canal. 259

February 17,  
Quebec.

Kempt to Murray (No. 18.) Transmits financial statement for Lower Canada showing the gross receipts for 1829, the deductions for collection, &c., the net amount paid into the provincial treasury the portion of the revenue paid to Upper Canada, the net income of Lower Canada and the increase of the revenue for the last year. The "Blue Book" contains detailed statements of the revenue and expenditure of the province. 265

*Enclosed.* Revenue of Lower Canada for the year ending 5th January, 1830. 267

Q. 193-2 contains the accounts of receipts and expenditure for 1830 under the different heads.

## SESSIONAL PAPER No. 8c

GOV. SIR JAMES KEMPT, 1830.

## Q. 193-3.

1830.  
February 18,  
Quebec.

Kempt to Murray (No. 19). In reference to the dispatch respecting the plunder of the brig *Joseph*, wrecked on the Magdalen Islands Lloyd's agent at Pictou had gone there but could not induce any of the inhabitants to restore the plunder nor get the magistrate to act. Unfortunately the government brig was absent and a month having elapsed it was probably too late to recover any of the property. Believes the report of the agent is correct. Steps he has taken to prevent a repetition of the outrage. The islands are inhabited by the poorest of persons, unaccustomed to the restraints of law and the magistrate has no power. A ship of war and the provincial vessel will visit the islands during the season of navigation to preserve order.

Page 305

February 19,  
Quebec.

The same to the same (No. 20). The claims of the Indians with respect to Sillery have been re-examined and a report from the Attorney General is enclosed whose opinion is very decided that the Indians have no claim. With a view to the final settlement of the question had sent a copy of the report to the Indian chiefs and also to some gentlemen who had supported their claim, intimating that he would receive any statement they might desire to make in refutation of the Attorney General's opinion and carefully inquire into their statements. It was not till the 18th November that the chiefs handed in a statement drawn up by their counsel attempting to set aside not only the present opinion but that of three other Attorneys General. The Indians also sent a statement addressed to him (Murray) asking that it be sent as early as possible. The unsatisfactory nature of such a statement unless the facts were carefully investigated before it was sent. Had, therefore, directed the Attorney General to examine and report further on the subject; there has not been time since to look into the matter, but it shall be done as soon as possible. Transmits memorial from the Indians, the subject of which is to state the hardship of their losing Sillery granted to their fathers.

310

February 20,  
Quebec.

*Enclosed.* The case of the Huron tribe of Lorette.

316

Kempt to Murray (No. 21). Had already reported the expulsion of Robert Christie from the Assembly. He was re-elected for Gaspé but again expelled and a new writ was ordered to issue. The proposal to address the governor praying him to remove Christie from all situations under the Crown held at pleasure was negatived. His regret at the proceedings.

319

February 21,  
Quebec.

The same to the same (No. 22). Had reported the proceedings of the Assembly respecting the militia and that a powerful party held that the militia ordinances had not legally revived on the expiry of the old laws. Not having been mentioned, he was in hope that the question would not have been agitated. In this he was disappointed as the Assembly had on the 13th agreed on strong resolutions on the subject denouncing the late governor for the use of arbitrary power. A petition to the King, founded on the resolutions, was drawn up and by an address he is asked to transmit it, which he does. To explain the address he sends documents giving the whole history of the proceedings, which include copy of the opinion of the Attorney General, also copy of the judgment in the Court of King's Bench in June, 1828, also copy of the resolutions, addresses and petitions. In receiving the address he pointed out the judicial decisions which he was bound to follow. Suspects that any other Militia Act passed would contain the clauses that caused its



63 VICTORIA, A. 1900

1830.

rejection. Suggests that the opinion of the law officers of the Crown in England might be taken, so that the question might be settled. The Colonial Department is in possession of all the laws passed on the subject. Page 322

*Enclosed.* Opinion of the Attorney General that the ordinances regarding the militia revive in consequence of the operation of provincial statutes. The nature of the ordinances &c. 328

Copy of judgment of the judges of King's Bench, Quebec, in a case brought to decide the validity of the militia ordinances. 333

Resolutions against the militia ordinances. 348

Petition of the Assembly to the King. 354

Address of the Assembly to Kempt asking him to transmit their address to the King. 360

Answer. 362

Order dispensing the militia from the monthly reviews ordered by the ordinances. 363

Kempt to Hay. Transmits copies of the estimates for civil expenditure. 366

*Enclosed.* Estimates. 367 to 376

Kempt to Hay (private and confidential). The January mail by Halifax not yet arrived. A stormy session of Parliament; he feels like sitting on a barrel of gun powder not knowing how soon an explosion may take place. The disputes are about old matters he had thought were forgotten; has been trying to act the part of a mediator and to keep his temper so as not to come into collision with either house. If it is intended to give up the appropriation of the revenues from 14 George 3 and the other Crown revenues, Sir John Colborne and he think it should be done graciously and not to keep up excitement and eternal discussion. Sends newspapers and newspaper cuttings to show the spirit that prevails. 377

Same to Murray (No. 23). Transmits memorial from the governors of McGill College to have their charter so far altered that they may be able to appoint without limitation such professors as they may deem necessary and also to increase the number of governors. Should leave be granted to increase the number of governors the Bishop recommends that the Chief Justice and Attorney General of Lower Canada and the Archdeacon of Quebec be appointed all *ex officio*. 380

*Enclosed.* Memorial from the Governors of McGill College. 382

Kempt to Murray (No. 24). Doubts having arisen as to the fees to be allowed to the Attorney General, the Surveyor General and Clerk of the Council on land grants had referred the question to the Council, a copy of whose report is enclosed. The total amount of fees on a grant is £2 10s, which he has allowed to be charged till his (Murray's) approbation has been received. Refers to previous correspondence on the subject. 390

*Enclosed.* Report of the Executive Council on the question of fees. 393

Kempt to Murray (No. 25). Sends two reports of the Executive Council respecting conditions of settlement to be inserted in land patents for waste lands of the Crown. Had been informed by the Auditor that since 1824 the conditions of settlement were omitted in all grants founded on location tickets. Had referred the question to the consideration of the Executive Council. The conditions originally placed on the grants were more applicable to large tracts than to those of limited extent, such as were now granted. The insufficiency of the conditions on the location ticket which prescribed that whatever was the extent of land granted, only a house was to be built and four acres cultivated within three years. Had therefore referred the conditions to the Council for

March 2,  
Quebec.

March 2,  
Quebec.

March 5,  
Quebec.

March 6,  
Quebec.

March 6,  
Quebec.



rown in  
d. The  
the sub-  
age 322  
finances  
provincial  
328  
a case  
333  
348  
354  
it their  
360  
362  
ered by  
363  
xpensi-  
366  
7 to 376  
mail by  
eels like  
xplosion  
thought  
r and to  
use. If  
rom 14  
e think  
eternal  
ow the  
377  
verners  
may be  
y deem  
d leave  
mends  
and the  
380  
382  
ees to  
Clerk of  
ouncil, a  
a grant  
appro-  
on the  
390  
ion of  
393  
ecutive  
plicants  
or that  
ounded  
ation of  
grants  
extent,  
on the  
of land  
within  
ncil for

## SESSIONAL PAPER No. 8c

1830.

- modification. The first report not specifying the periods within which the settlement duties were to be performed, the subject was again referred to the Council. Sends two documents to explain more fully the conditions. Page 395
- Enclosed.* First report of a committee of Council. 400
- Second report. 403
- Conditions of a location ticket. 406
- Conditions of settlement formerly inserted in the letters patent granting the waste lands of the Crown in Lower Canada. 408
- Scale of families on grants between 200 and 1,200 acres. 409
- March 8, Quebec. Kempt to Murray (No. 26). Transmits address from the Assembly on the subject of the Seminary estates at Montreal. The importance and delicacy of the question. 411
- Enclosed.* Address from the Assembly against any change in the ownership of the lands held in Montreal by the Seminary. 413
- March 8, Quebec. Kempt to Murray (No. 27). Referring to the address from the Assembly on the Seminary estates sent this day, sends copy of resolutions on the same subject, expressing also the desire that the Jesuit estates be placed at the disposal of the Assembly, to be used for the purposes of education. Had delayed sending these till he could report on the subject of the Jesuit estates, but can send no further information than was contained in his dispatch of the 30th December last. 419
- Enclosed.* Resolution of the Assembly on the subjects of the Seminary and the Jesuit estates and that the latter be placed at the disposal of the Assembly for the purposes of education. 421
- March 13, Quebec. Kempt to Murray (separate). Sends copy of resolutions passed by the Assembly, preparatory to entering upon the consideration of the estimates, showing the intention of the House as to the conduct they propose to adopt should the financial proposals of government not be considered satisfactory. 423
- Enclosed.* Copy of resolutions of the Assembly in respect to the finances. 425
- March 14, Quebec. Kempt to Murray (No. 28). Had forwarded a memorial from the governors of McGill college for modifications in the charter, and stated that it was recommended that the Chief Justice and the Attorney General of Lower Canada and the Archdeacon of Quebec should be the new governors. Had no reason to believe that there would be any difference of opinion as to the appointment, but has now received a strongly worded representation from the medical faculty that it is inexpedient that the new governors should all be resident in Quebec. Believing it to be proper to take the representation into consideration, he suggests that that should be done previous to taking final steps about the charter until he can receive the opinion of the governors on the subject. 429
- March 23, Quebec. Same to the same (No. 29). Having been requested by the Assembly to forward the resolutions copy of which he had sent in his separate letter of the 13th, he now sends the resolutions formally and officially. 432
- Enclosed.* Address from the Assembly to Kempt asking him to send a copy of resolutions adopted by the Assembly. 434
- The resolutions are at page 425
- March 24, Quebec. Kempt to Murray (No. 30). Transmits "Blue Book" filled up for 1829. 436
- March 27, Quebec. The same to the same (No. 31). Transmits copy of proceedings of the governor in Council on matters of State from 1st January to 31st December, 1829. 437
- March 31, Quebec. The same to the same (No. 32). Having closed the Legislature sends copy of his speech. The Acts passed or reserved shall be transmitted without delay. He shall make a special report on the bill of supply

63 VICTORIA, A. 1900

1830.

which under existing circumstances he thought it right to accept. Regrets, however, that the charges objected to last year by the Assembly have again been disallowed and that no provision has been made for the salaries of the chairmen of Quarter Sessions at Quebec, Montreal and Three Rivers.

*Enclosed.* Speech.

Page 438

440

GOV. SIR JAMES KEMPT, 1830.

(Part I is paged from 1 to 212; part II from page 213 to 406.)

Q-194-1-2.

1803.  
May 14,  
Quebec.

Instructions as to the duties to be performed by the Inspector general of the King's domain. Enclosed in Kempt to Murray, 4th April, 1830.

1810.  
June 7,  
Quebec.

Lease of St. Maurice Forges to Monro & Bell.

1829.  
February 28,  
Quebec.

Resolutions of the House of Assembly respecting the St. Maurice forges. Second set of resolutions of same date. This and the two preceding enclosed in Kempt to Murray, 24th June, 1830.

December 15,  
Quebec.

Report on the duties of the Surveyor General of woods and forests.

December 30,  
Quebec.

Report on the duties of the commissioner of the Jesuit Estates.

1830  
January 13,  
Quebec.

Report on the duties of the Surveyor General.

January 19,  
Quebec.

Report on the duties of the Inspector General of the King's domain and clerk of the Terrars.

January 22,  
Quebec.

Report on the duties of the Commissioner of Crown Lands. This and the four preceding documents enclosed in Kempt to Murray, 4th April, 1830.

April 1,  
Quebec.

Kempt to Murray (No. 34). Sends abridged progress report of the Rideau Canal to 31st December, 1829.

*Enclosed.* Report.

April 2,  
Quebec.

Kempt to Murray (No. 35). The house belonging to Caldwell in the lower town, Quebec, suitable for a customhouse, had been bought before permission was received to purchase. The legislature has granted £6,000 currency to buy or build a house suitable for a custom house.

April 4,  
Quebec.

The same to the same (No. 36). Cannot as directed to investigate, find any method of consolidating the land granting department so as to effect a material reduction of expense. Gives reasons for this conclusion by reporting on each branch of the service. How a consolidation might be effected.

*Enclosed.* Report on the duties of the Surveyor General.

Report on the duties of the Commissioner of Crown lands.

Report on the duties of the Surveyor General of woods and forests.

Report on the duties of the Commissioner of the Jesuit Estates.

Report on the duties of the Inspector General of the King's domain and clerk of the Terrars.

Instructions for the duties to be performed by the Inspector General of the King's domain.

April 5,  
Quebec.

Kempt to Murray (No. 37). Transmits copy of Memorial from Commissioner of Crown lands for a fee of 5 per cent on the value of gratuitous grants or a fixed salary. When the office was created, the system of

## SESSIONAL PAPER No. 8c

1830.

granting lands gratuitously was, it was understood, to be discontinued but it has been revived in the case of half pay officers and discharged soldiers, and for a limited period to persons who served in the embodied militia. These gratuitous grants curtail the sales and so diminish the salary of the commissioner. It is not expedient, however, to reduce the value of gratuitous grants and suggests that in years when the salary fell short of £500 that amount might be made up from the land fund.

Page 60

*Enclosed.* Memorial from W. B. Felton, Commissioner of Crown lands. 63

April 6,  
Quebec.

Kempt to Murray (No. 38). Sends list of dispatches received. 68

April 8,  
Quebec.

Same to the same (No. 39). Transmits memorial from Surgeon Mitchell praying for half-pay and recommends the memorial to favourable consideration. 71

*Enclosed.* Colborne to Kempt. Encloses memorial from Surgeon Mitchell. 73

April 9,  
Quebec.

Memorial from Surgeon Mitchell for half-pay as a surgeon. 74

Kempt to Murray (No. 40). Refers to previous correspondence respecting the Militia and has the satisfaction to report that the Council and Assembly have passed a new militia law to which he has given assent; intends to reorganise the militia under this new enactment. Shall reappoint as many of the old officers as possible. Shall transmit copies of all the Acts passed last session and in the meantime sends memorandum of the principal provisions of the new Militia Act. The insufficiency of the law which does not provide for training or arming the force. The Council agreed to the bill knowing its imperfections as the members knew no other bill would pass and he assented to it, convinced that there must be some militia law to put an end to the excitement in the Assembly. Had sent copy of the answer to the address from the Assembly to be sent to the King. He could not have used more temperate language in the answer yet it offended the leading members so much that it was doubtful for some days whether the business of the session would proceed. This will show how necessary it was to get a Militia bill of some kind as it will enable him to reorganise the militia. 77

*Enclosed.* Principal provisions of the new militia Act passed in the session of 1829-30. 82

April 10,  
Quebec.

Kempt to Murray (No. 41). Sends the name of a convict sentenced to death, but who is to be pardoned on condition that he be transported for life to Bermuda. Asks for the usual order. 87

April 12,  
Quebec.

*Enclosed.* Return of the name of the prisoner, his crime and sentence. 88  
Kempt to Murray (No. 42). Has been unable to settle on the qualifications for the office of Justice of the Peace and has referred the question to the legislature which passed a bill to which he has assented. Financial qualifications contained in the bill. 89

April 13,  
Quebec.

Same to the same (No. 43). Recapitulates the contents of previous dispatches on the subject of finances. His disappointment after the gracious message that measures would be taken for an amicable settlement, that the house had not granted the sums demanded in the estimate and the subsequent conduct of the Assembly convinced him that the supplies would have been withheld and the business of the session probably not proceeded with had he followed the instructions strictly. The extraordinary sensitiveness of the House when any word in the way of reproof or even an expression of regret is addressed to it as to its proceedings. His desire to put an end to the dissensions which have so long prevailed and his care to avoid language that could give the slightest pretext for offence. The Attorney General having been absent

63 VICTORIA, A. 1900

1830.

when the supply bill passed in 1829 now sends his report on the bill of the present year. He reports that there is no legal objection to the bill or anything to derogate from His Majesty's rights. The Attorney General may be right but the insufficiency of the supply and the resolutions passed in voting the aid virtually control the appropriation. Under the circumstances he assented to the bill as it would not interfere with the King's prerogative to disallow the bill if necessary. The danger of producing the worst effects, if he ventured upon any remonstrance. The popular leaders in the Assembly would have kept angry feelings alive. The supply bill passed the Council only after animated debates and by a majority of one. The course of the committee on the bill which rose without reporting, but the speaker got the proceedings before the House and the bill passed as reported. It is thus evident that the dissensions must be put an end to, as unless settled, the local government will be placed in a situation of great embarrassment. Transmits a memorandum showing the estimates submitted, the supply demanded and explanations of the bill passed. It also contains lists of salaries, arrears, with other items which have been again deducted and the salaries of the chairmen of the quarter sessions of Quebec, Montreal and Three Rivers have been disallowed for the first time. Sends also statement of all the appropriations made in the last session showing that whilst a few thousand pounds have been refused to the local government to pay salaries formerly paid by the Crown from the revenues at His Majesty's disposal, upwards of £100,000 have been voted for objects which though important are yet totally unconnected with the civil government or the administration of justice. Page 93

*Enclosed.* Opinion of Stuart, Attorney General on the supply bill. 103

Memorandum respecting the supply bill for 1830. 105

Statement of the appropriations made by the provincial parliament for the services of the year 1830. 108

April 13,  
Quebec.

Kempt to Hay (private). Sends copy of protest entered in the journals of the Legislative Council against the Supply bill, with some notes attached. 111

*Enclosed.* Protest, signed by John Richardson, C. W. Grant, L. Gagy, E. Bemen, F. C. Pothier, M. Bell. For the reasons stated in the 1st, 2nd, 4th, 5th and 6th sections, W. B. Felton adhered to the protest. 112

Remarks on the protest by the editor of the *Quebec Gazette* (Neilson's paper). 121

April 28,  
Quebec.

Kempt to Murray (No. 44). Refers to previous correspondence respecting the offices of chairmen of Quarter Sessions in Quebec, Montreal and Three Rivers, and the refusal of the Assembly to vote the salaries, thereby virtually abolishing the offices. Describes the nature of the duties of the office which has been established for 20 years, the date in Quebec and Montreal being 1810 and in Three Rivers 1811. The conduct of the legislature in at once discontinuing the provision for these offices, not even providing salary for the three months almost expired is most ungracious to government especially as a measure was then before it regarding the qualifications of magistrates with which the office of chairman of Quarter sessions is so closely connected. Government by this step of the Assembly is obliged to require the services of the officers in question, till arrangements can be made for issuing a new commission of the peace and is left without means to pay them. They will look to the local government for remuneration and he asks for instructions. Further respecting the office, the dates of appointment, &c. 127

*Enclosed.* Christie to Kempt. Points out the permanence of the fund for the payment of his salary when first appointed. Represents the hardship of having his seat as member for Gaspé vacated for political

Q. 19

SESSI

18

April 2  
Quebec

April 3  
Quebec

May 1,  
Quebec

May 3,  
Quebec

May 10  
Quebec

May 12  
Quebec

May 12  
Quebec

May 12,  
Quebec.

the bill of  
to the bill  
Attorney  
he resolu-  
n. Under  
fere with  
danger of  
nstrance.  
y feelings  
d debates  
the bill  
ceedings  
s evident  
the local  
assment.  
he supply  
s lists of  
cted and  
ec, Mon-  
b. Sends  
showing  
the local  
from the  
ave been  
connected  
Page 93  
bill, 103  
105  
rliament  
108  
the jour-  
me notes  
111  
rant, L.  
ed in the  
the pro-  
112  
te (Neil-  
121  
ondence  
Quebec,  
vote the  
e nature  
ears, the  
11. The  
for these  
yired is  
on before  
office of  
ment by  
e officers  
mission  
l look to  
uctions,  
127  
the fund  
ents the  
political

## SESSIONAL PAPER No. 8c

1830.

April 29,  
Quebec.April 30,  
Quebec.May 1,  
Quebec.May 3,  
Quebec.May 10,  
Quebec.May 12,  
Quebec.May 12,  
Quebec.May 12,  
Quebec.

reasons. The refusals to vote a salary for the chairman of Quarter sessions is a method of effecting the reduction of the office. Hopes the government will not cast him off without a suitable remuneration, as for years past he relinquished every other pursuit to devote himself to the duties of office.

Page 137

Representation of Coffin, chairman of Quarter sessions, Three Rivers, on the refusal of the Assembly to vote the salary. 142

Kempt to Murray (No. 45). Sends copy of a bill to vacate the seats of members accepting offices of profit and becoming accountable for public money, which he has reserved. A bill with similar provisions was reserved by his predecessor and assent was withheld. 145

*Enclosed.* Report of Ogden, Solicitor General on the bill. 147

Kempt to Murray. Refers to correspondence from Durnford and others respecting the construction of the Ottawa and Rideau Canals. See printed report pp. 106 and 98 in this volume.

Same to the same (No. 46). Dispatches received. 150

Same to the same (No. 47). Account of the sale of Caldwell's property and by what means the portion of it was secured for the Jesuit estates. Asks for instructions as to the disposal of the amount. Sends the reports of the Attorney General. 156

*Enclosed.* Reports of the Attorney General.

(1.) On the sale of Caldwell's property. 157

(2.) Explains how the amount mentioned in the first report was adjudged to be the property of the Jesuit estates. 159

(3.) Transmitting a schedule of the whole of Caldwell's property. 163  
Schedule. 165

Kempt to Murray (No. 48). Transmits report, plan and estimate for the repairs to the church and presbytery at Sault St. Louis to be defrayed from proceeds of the Crown lands. These are insufficient to meet the charges already directed to be defrayed from that fund. The amount being beyond his expectations, he will not authorise the expenditure until he receive further instructions but the tribe believe that a promise was made to have these repairs executed and that a perpetual annuity was to be paid to them by government. The church and presbytery of Sault St. Louis were erected by the Jesuits in 1720 and the repairs executed by them till 1762, when they were dispossessed of the seigniority which was placed at the entire disposal of the Iroquois, with the condition that the rents were for the repairs of the church and other buildings. Whatever is granted to the Indians should be given as a boon, not as a right, for it is not established that the Jesuits contributed to the assistance of the Iroquois of Sault St. Louis after being deprived of the management of the seigniority further than charity might dictate. 167

*Enclosed.* Correspondence, report, plan and estimate respecting repairs at Sault St. Louis. 171 to 185

Kempt to Murray (No. 49). The application of the judge of Three Rivers has been satisfactorily met by the Assembly. 186

The same to the same. (No. 50). Besides the representations from the chairmen of the Quarter Sessions of Quebec and Three Rivers, now sends one from Gale, chairman at Montreal; his peculiarly strong claims. The awkward position of the local government with no means to meet just claims. 188

*Enclosed.* Representation of Gale, chairman of Quarter Sessions, Montreal, on the loss of his situation by the refusal of the Assembly to vote the salary. 191

Kempt to Murray (No. 51). Sends certified copy of Act to extend certain privileges to persons professing the Jewish religion, which he had reserved. Proposal by the Legislative Council to the Assembly to

63 VICTORIA, A. 1900

1830.

present a joint address on the subject as provided for by law, but refused by the Assembly on the ground that the bill did not come within the the provisions relied on. Sends copy of address from the Council and report of the Attorney General and as both agree that the bill should be laid before Parliament before being submitted to the King, asks that the subject be taken into consideration, and that he may be informed of His Majesty's pleasure.

Page 197

*Enclosed.* Address from the Legislative Council.

201

Report of the Attorney General on the bill of 1829 for the granting certain privileges to persons professing the Jewish religion.

204

Report on the bill of 1830.

207

Message of the Assembly to the Legislative Council, declining to accept the bill sent down.

208

May 12,  
Quebec.

Kempt to Murray (No. 52). Transmits certified copy of a bill for the relief of certain religious congregations therein mentioned, which has been reserved by him. The object is to allow these religious bodies to hold certain properties by means of trustees, with perpetual succession, to defend actions, &c. The Legislative Council is under the impression that this enactment ought to be laid before both Houses of Parliament before being submitted to the King, and had asked the Assembly to join in an address. Transmits also copy of address presented by the Legislative Council on this subject before the close of last session. The Attorney General does not consider it a bill requiring the observance of the formalities prescribed by the statute.

210

*Enclosed.* Report of the Attorney General on the Act for the relief of certain religious congregations therein named.

213

Resolutions of the Assembly not concurring in the Address of the Legislative Council on the Act for the relief of religious congregations.

216

Address by the Legislative Council to take the steps prescribed by statute to have the Act for the relief of religious congregations assented to.

218

May 13,  
Quebec.

Kempt to Murray (No. 53). In addition to the amount previously reported the sum of £1280.3.4 has been recovered from the estate of Caldwell. Is doubtful if it does not belong to the province in equity rather than to the Jesuit estates. Has, therefore, instructed the Receiver General not at present to place the amount to the credit of the Jesuit estates.

221

*Enclosed.* Report of the Attorney General, showing how two sums were awarded by the Court to the Jesuit estates.

224

May 13,  
Quebec.

Kempt to Murray (No. 54). Dr. Mills has suggested satisfying his claims from the Jesuit estates. It being thought Mills has mistaken his (Kempt's) suggestion is asked for as to a mode of complying with the application of Mills. The revenues from the Jesuit estates do not at present afford means of granting compensation to Mills nor is there any other fund from which his claim can be satisfied. History of the case of Dr. Mills and the allowance made him by the legislature.

227

May 14,  
Quebec.

Same to the same (No. 55). Transmits certified copy of bill to incorporate the minister and trustees of St. Andrew's Church, Quebec, which he has reserved. It being the first of the kind in the province it is important that no precedent might be established that might be inconvenient but as it would gratify the members of the Church of Scotland in Canada to be able to hold land as a corporate body he recommends the bill to favourable consideration and if any of its provisions be objectionable asks for instructions, as to the kind of bill having the same objects in view he should assent to. Had as instructed called on the trustees of St. Andrew's Church in reference to their application for incorporation by grant from His Majesty and informed them that a

Q.  
SEE

May  
Queb

May  
Queb  
May  
Queb

May  
Queb

May  
Queb

May  
Queb



## SESSIONAL PAPER No. 8c

1850.

draught of the charter should be sent for approval. The trustees represented the difficulties of securing the enjoyment of real estate for the benefit of members of the established church of Scotland and transmitted copy of the bill in question as what would provide for the object in view. Sends copy of letter and also of letter from the Attorney General in reference to a complaint of the trustees that they could not obtain a confirmation of the election of a trustee who was elected to replace one who had died. The papers will show that no blame attaches to the Attorney General.

Page 232

*Enclosed.* Report of the Attorney General on the bill to incorporate the minister and trustees of St. Andrew's Church, Quebec, and suggests certain modifications.

237

Letter from the minister and trustees of St. Andrew's Church, Quebec, respecting their application for an Act of incorporation

241

Stuart, Attorney General, to Kempt in answer to letter from the trustees of St. Andrew's Church, Quebec, in which he is charged with delay in respect to an application on behalf of the Church.

252

Trustees of the Church of Scotland at Quebec to Yorke. Stating for the information of Sir George Murray the reasons for asking for a charter of incorporation for St. Andrew's Church, Quebec.

263

Kempt to Murray. Sends petition from Plant of Sydney, Cape Breton. His situation as superintendent and shipping master at Sydney at the time of the re-annexation of the island to Nova Scotia was not considered as necessarily connected with the administration of the civil government there. His duties discharged with zeal and ability.

273

*Enclosed.* Petition from Plant stating his services and praying for relief on account of the loss of his situation.

275

Kempt to Murray (No. 56). Sends list of dispatches received, with numbers (102 to 116) and abstract of contents.

280

The same to the same (No. 57). Sends documents showing that travelling expenses to officers of the Indian department have long been authorized and that from the reductions in the Indian department, its duties occasionally require the presence of officers at considerable distances and that travelling expenses at a rate not exceeding the usual scale should remain at the discretion of the commander of the forces.

283

*Enclosed.* Statements and correspondence relative to travelling expenses of the officers of the Indian Department

286 to 298

Kempt to Murray (No. 58). Has received dispatch on the settlement, education and religious instruction of the Indians of Canada. Had sent certain suggestions on the 16th May 1829 to which he expected an intimation of his (Murray's) sentiments. Now that the Indian department in Upper Canada has been transferred to the direction of Major General Sir John Colborne sends propositions for the amelioration of the condition of the Indians. These conditions are given at length.

299

*Enclosed.* Tables and correspondence relating to the Indians.

316 to 331

Kempt to Murray (No. 59). Sends return of two convicts sentenced to death but whom it is proposed to transport for seven years to Bermuda.

332

*Enclosed.* Return.

333

Kempt to Murray (No. 60). Refers to the letter respecting the application of the Royal Institution to be relieved from the payment of the expenses in the appeal to the Privy Council in the case of the bequest by McGill for the erection of a college. Now sends copy of a letter from the Lord Bishop of Quebec on the subject of moving the Privy Council on their behalf in the appeal respecting the bequest of £10,000 for the establishment of a college.

334

63 VICTORIA, A. 1900

1830.

*Enclosed.* Lord Bishop of Quebec to Kempt. Asks on behalf of the Royal Institution that instructions may be given respecting the appeal in the case against DesRivières, residuary legatee of McGill, as it is believed that since his death, the heirs would not continue the opposition.

Page 338

May 24,  
Quebec.

Kempt to Murray (No. 61). Had, as authorized, advanced money from the military chest to pay the salaries of the militia staff convinced that the Assembly would grant an amount sufficient for the repayment. In this he has been disappointed but as any representation he might make would have been unavailing he had refrained from making any observations.

341

*Enclosed.* Message to the legislature for the repayment of the sum advanced from the military chest for the payment of the salaries of the militia staff.

344

June 7,  
Quebec.

Kempt to Murray. Acknowledges receipt of circular that governors in British colonies are to be under the same restrictions as to length of service as in the Indian governments and are to retire at the end of six years unless there should be special reasons for retaining a governor in the service. He has now served as governor for ten years and as his services have been almost entirely in foreign stations he hopes he may be allowed to retire.

346

June 8,  
Quebec.

The same to the same (No. 62). The practicability of feeding the Carillon canal from the north river has been ascertained. By the plan, report and estimate it is shown that a saving will thus be effected of £26,854 3. 3 $\frac{1}{2}$  sterling. An unexpended balance remained on the 31st December, 1829, of £15,412 6. 8. and as the Treasury proposes to ask for an appropriation of £23,000 he has directed the work to be urged with all possible vigour to the aggregate of these two sums.

348

*Enclosed.* Durnford to Couper. Sends DuVernet's plan, report and estimate of the cost of the proposed feeder from the north shore to the Carillon canal. The project is feasible and will be attended with a saving. Recommends the prosecution of the work. Asks that DuVernet be instructed whether he is to push the work and if there is a sufficient supply of money.

350

"Report and estimate of the probable expense of constructing a canal "to turn the Carrillon rapids as connected with a feeder from the "North river to be completed in two years from the beginning."

352

The estimate begins at page

356

June 8,  
Quebec.

Kempt to Murray. Has received a letter introducing Dr. Miller to whom he shall show every attention in his power.

358

June 22,  
Quebec.

Same to the same (No. 63). Has received instructions to grant unoccupied lands of the Crown within the limits of the seigniories in free and common socage which have been complied with, but doubts have arisen as to the lands in the Jesuit estates and he has referred the question to the Executive Council whose report he transmits. The Council is of opinion that the lands in question should continue to be treated *à titre de cens* and as he himself did not think it expedient to convert the seigniorial tenure of the Jesuit estates, at least for the present, he concurred with the report and concessions will continue to be made as heretofore in this property.

359

*Enclosed.* Report of the Executive Council.

362

June 24,  
Quebec.

Kempt to Murray (No. 64). It would not be expedient to send settlers to the river Saguenay or, as suggested, to that part between Chicoutimi and Lake St. John, the whole of that territory being leased with the King's posts and the lessees would consider such settlement prejudicial to their trade with the Indians and an infringement on their rights and it does not seem expedient whilst so much land is disposable and perfectly fit for cultivation elsewhere. The lease of the King's posts

SESSION

1830.

June 21,  
Quebec.June 25,  
Quebec.June 28,  
Quebec.December  
London.  
1831.  
April 22,  
London.

of the  
appeal  
as it is  
the oppo-  
page 338  
money  
aff con-  
for the  
entation  
d from  
341  
the sum  
s of the  
344  
verners  
length of  
l of six  
rrior in  
as his  
he may  
346  
ing the  
e plan,  
ected of  
ne 31st  
to ask  
e urged  
348  
ort and  
to the  
with a  
Vernet  
fficient  
350  
a canal  
om the  
352  
356  
ller to  
358  
nocu-  
ree and  
arisen  
to the  
opinion  
le cens  
niorial  
l with  
in this  
359  
362  
o send  
between  
leased  
ement  
a their  
posable  
s posts

## SESSIONAL PAPER No. 8c

1830.

June 21,  
Quebec.

does not expire till 1842 and the rent of £1,200 a year accrues to the King's casual and territorial revenue. Page 364

Kempt to Murray (No. 65). The lease of the forges of St. Maurice, expiring on the 31st March, 1831, with right for entry for the new lessee on the 1st of November next, he has renewed the lease for one year, as he desires to bring the subject under his (Murray's) consideration previous to any new arrangement for a lease of the forges and land attached, a representation on the subject of the latter having been made by the Assembly in 1829, with resolutions that the lease should not act as a hindrance to settlement. Address and resolutions are transmitted. Description of the lands included in the lease. There are some good lands but the soil in general is sandy and inferior. Measures taken to obtain lands for settlement and about 12,000 acres secured, one-third within the limits of the lease, without inconvenience to the lessee and the lands can now be disposed of. Lands containing sand and soft wood for charcoal for the use of the forges cannot be given up for settlement and an objection to the formation of any settlements in the fiefs St. Maurice or St. Etienne was urged on the ground that population was brought too near the wood required for the forges, occasioning great danger from fire. Hopes in the course of summer to obtain proper information from surveys now in progress so that it may be determined how much land should be leased with the forges. 366

Enclosed. Resolutions of the Assembly on the subject of the lands to the north of the St. Lawrence in the vicinity of Three Rivers. 375

Second set of resolutions on the same subject. 378

Copy of the lease of the St. Maurice Forges to Monro & Bell for twenty-one years. 380

Kempt to Murray (No. 66). List of dispatches received. 395

The same to the same (No. 67). Transmits application from Roux Superior of the Seminary, for letters of denization for ecclesiastics of that establishment. How the writs could be prepared and issued. Recommends that the application be granted. 399

Enclosed. Report of the Attorney General on the application of M. Roux. 401

Notarial certificate of the declarations of the ecclesiastics who desire to obtain letters of denization. 403

December 31,  
London.

Memorandum by Kempt of disputes to which attention is drawn 327

1831.  
April 22,  
London.

Report from the select committee relating to the Rideau Canal with evidence and correspondence. Printed report with plans. The report follows page 3.

The plans are:—

Plan of the Carillon Canal.

Plan of part of the Ottawa and North rivers.

Section of plan of part of the Ottawa.

Longitudinal and transverse sections.

Plan of the line of the Rideau canal showing the section of each work.

Section line of the Rideau Canal.

63 VICTORIA, A. 1900

GOVS. SIR J. KEMPT AND LORD AYLMER, 1830.

(Part I. is paged from 1 to 239, part II. from page 240 to 428).

## Q. 195.-1.-2

1811.  
October 31,  
Quebec.

Report of Edward Bowen on the claim of the Huron Indians. Enclosed in Kempt to Murray, 22nd August, 1830.

1820.  
December 22,  
Quebec.

Dalhousie to Papineau.

December 28,  
Quebec.

Minutes of the Executive Council. This and the preceding enclosed in memorandum by Kempt, 30th December, 1830.

1821.  
July 3,  
Quebec.

Report by Charles Marshall and Vanfelson on the claim of the Huron Indians. Enclosed in Kempt to Murray, 22nd August, 1830.

1823.  
January 25,  
Quebec.

Minute of Executive Council. Enclosed in memorandum by Kempt, 30th December, 1830.

1830.  
May 8,  
Quebec.

Bayfield to Yorke.

June 21,  
Quebec.

Dewar to Kempt. This and the preceding enclosed in Kempt to Murray, 3rd July, 1830.

July 1,  
Quebec.

Return of the members of the Legislative and Executive Councils for Lower Canada.

July 3,  
Quebec.

Page 3  
Kempt to Murray (No. 68). Had received copy of deposition by Robert Mearns, stating his suspicions of the conduct of persons residing on Anticosti and had also received instructions to investigate the former life and conduct of Gamache and Godin, keepers of the posts on the island. The suspicions appear to have arisen from the dreadful fate of the crew of a vessel supposed to have been the *Granicus* from Quebec, wrecked on Anticosti in the winter of 1828-29, near one of the posts where a store of provisions had been kept but was unfortunately discontinued for two years before the catastrophe, the post being on a side of the island little frequented. Godin had come to Quebec for the winter and no one was living in the house. The mystery of the fate of the crew will never be solved nor why they did not seek another provision post. Some bodies and the remains of others were found in the spring of 1829, leading to the belief that the last survivors had fed on the bodies of the others. Mearns suspected that some survivors still remain concealed on the island, and deposed to that effect. The most minute investigation showed nothing to confirm his suspicions. Further steps taken by the admiral on the station, by Bayfield and the colonial government vessel. His idea to send Indians to search the island abandoned.

11  
*Enclosed.* Bayfield to Yorke. Reports that a close examination on the island of Anticosti shows no trace of anyone being concealed as suspected by Mearns.

22  
A P. S. gives an account of Gamache's mode of living.

33  
Report of commander Dewar that he had closely investigated the subject of the wreck of the "*Granicus*" on Anticosti and found no grounds for suspicion that persons were concealed on the island.

35  
Kempt to Murray (No. 69). As instructed has consolidated the offices of Commissioner of Crown lands and Surveyor General of Woods and Forests placing them under the direction of W. B. Felton. Sends letter from Davidson who hopes that £250 a year may not be considered

July 4,  
Quebec.

## SESSIONAL PAPER No. 8c

1890.

an unreasonable allowance until he is again appointed to an office and he offers to render Felton all the assistance he can. Has authorized Felton to employ Davidson if he thinks he needs his services but this is not to be a ground for remuneration. As Felton will require the assistance of a clerk, thinks Davidson would be most efficient and therefore recommends that he be employed receiving the retiring allowance which will save the expense of a clerk. It is unnecessary to refer to other offices except that of auditor of land patents the abolition of which would be of no material inconvenience but it is an office provided for by the provincial legislature and as the Assembly has always refused a retiring allowance the abolition of the office would be to place a new charge on the land and timber fund. It is a question of expediency whether the office should be abolished, whilst held by the present official so long as no objection is made by the legislature. Shall report shortly on the subject of the court of escheats and in the contingent expenses of the land department. Has not pressed the court of escheats hoping that the legislature would put a tax on wild land, which would have rendered proceedings by escheat unnecessary. Besides the low state of the land and timber funds precluded the attempt, there being no means of defraying the common expenses incurred in instituting proceedings. By limiting the expense of surveys, the limit for the disposal of lands would also be fixed for before sending settlers to any part of the country, the lands must be resurveyed, previous surveys being so inaccurate.

Page 38

*Enclosed.* Davidson to Yorke. Shall give over to the commissioner of Crown lands all papers connected with woods and forests. The distress to which his family will be reduced. For reasons given believes £250 not unreasonable for a retiring allowance, until again appointed to office. Offers his services to assist Felton in the discharge of the duties without any idea of remuneration on that account. 45

July 6,  
Quebec.

Kempt to Murray (No. 70). Transmits application, with documents from John Wilson of the Indian department for half pay. His services and losses; recommends that his application be given favourable consideration. 51

*Enclosed.* Application from John Wilson for half pay stating his services and the losses he had sustained owing to his loyalty. 53

July 6,  
Quebec.

Documents in support of the application. 58

Kempt to Murray (No. 71). Transmits memorial from Ryland praying for a grant of land for himself and his family, with report of the Executive Council, strongly recommending the application to favourable consideration. The total amount asked for is 7,200 acres. Ryland was recommended for a grant of a township in 1796, but his public duties prevented him settling it, so that it was abandoned and he has never received another grant. His claims on the British government on account of his services. 68

*Enclosed.* Ryland's memorial. 70

July 7,  
Quebec.

Documents in support of the claim. 73

Kempt to Murray (No. 72). Has been unable to constitute a commission of inquiry into the proceedings of the vice Admiralty Court. Those best qualified have already expressed an opinion, the Court having been so much the subject of discussion; cannot appoint a commission of even three who are not in some respects objectionable. The opinion that the judge cannot obtain a salary if he takes fees. Mr. Justice Kerr insists on taking fees, so no warrant has issued for his salary. 76

*Enclosed.* Yorke to Kerr. The governor desires to know if he intends to take fees as judge of the vice Admiralty court, as if so he must withhold the issue of the warrant for his salary. 84

63 VICTORIA, A. 1900

1830.

Kerr to Yorke. Asks what are the existing circumstances that oblige His Excellency to withhold the warrant for his salary. Page 85

Yorke to Kerr. Explains the circumstances that oblige His Excellency to withhold the issue of the warrant for his salary. 86

Kerr to Kempt. However gratifying to the Assembly and to the merchants who had complained of the fees might be his enforced abandonment of them, yet such a measure would be an act of power vitally affecting the independence of the judiciary, the constitutional rights of the Legislative Council and the Executive government itself in all its departments. An elaborate argument follows on these points and Kerr concludes by expressing his determination to continue to take the fees as giving them up without compensation would be to admit that for twenty years he was conscious he had no right to take them. 88

Yorke to Kerr. As he had received no fees since the beginning of the year, desires to know if since he wrote he had received any, as on that depends whether or not the warrant for his salary shall issue. 102

Kerr to Yorke. Cases have arisen in court since he wrote on which fees may be due to him, but he has received no fees since the 2nd June, the date of his letter. 103

Yorke to Kerr. His Excellency would have been pleased to issue the warrant for the half year's salary had he (Kerr) simply said he had received no fees, but as he wrote that cases had arisen in which fees might accrue, His Excellency desired to be informed explicitly on the subject of such probable fees. 104

Kerr to Yorke. Had hoped that his words admitted of no misconception as to the fact that he intended to collect fees. Summarises former letters. Fees have become due on suits, as he now learns from the registrar and have been paid over. Considers it would be not improper to consult the Executive Council before coming to a final determination and trusts that the whole matter might be laid before the Colonial Minister. 106

July 7, Quebec. Kempt to Murray (No. 73). Repeats his request for the return of the records of the military settlements which are frequently required for reference. 109

July 7, Quebec. The same to Hay. The Christian name of Rolland appointed a justice of the King's Bench is Jean Roche. In future will send the Christian names of all persons recommended for appointment. 111

July 9, Quebec. The same to Murray (private). Writes at the request of Chief Justice Sewell to ask if he can be instrumental in promoting the young man's entry into the Church. 112

Enclosed. Sewell to Kempt. Writes on behalf of his son Henry, that he may be brought under the notice of the Colonial Secretary. 113

July 10, Quebec. Kempt to Murray (private and confidential). (The letter is dated 1820 through error). Presses to be relieved of his duties before the close of navigation. Is glad to hear that every facility is to be given for his return. Does not desire leave of absence having no wish to pocket one farthing of the salary beyond the day he does the duty. Has received no commission as governor in chief, his temporary commission is merely to administer the province. 48

July 17, Quebec. The same to the same (No. 74). Asks that a new mandamus be sent for the Lord Bishop of Quebec for his seat in the Executive Council in Upper Canada giving him the same precedence as in the Executive Council of Lower Canada. 115

Enclosed. The Lord Bishop of Quebec to Kempt. Sends back mandamus to summon him to the Executive Council of Upper Canada that he may receive a new mandamus giving him the same precedence as in the Executive Council of Lower Canada. 117



oblige  
Page 85  
ellency  
86  
to the  
l aban-  
vitably  
ghts of  
all its  
d Kerr  
ees as  
twenty  
88  
of the  
on that  
102  
which  
June,  
103  
ue the  
he had  
sh fees  
on the  
104  
niskon-  
narises  
s from  
not im-  
deter-  
e Colo-  
106  
urn of  
quired  
109  
justice  
ristian  
111  
Justice  
man's  
112  
ry, that  
113  
ed 1820  
lose of  
for his  
pocket  
received  
merely  
48  
be sent  
ncil in  
ecutive  
115  
k man-  
a that  
ee as in  
117

## SESSIONAL PAPER No. 8c

1830.  
July 18,  
Quebec.

Kempt to Murray (No. 75). Sends Acts passed during the session and journals of the legislative Council. Those of the Assembly are so voluminous that they are not yet ready. Proposes that instead of each Act being engrossed and sealed with the great Seal, it would be considered sufficient to send the printed Acts properly certified. Calls attention to the Acts establishing registry offices in counties of the Eastern Townships, a matter to which considerable importance is attached by the inhabitants. Page 118

*Enclosed.* List of Acts passed in the 3rd session of the 13th provincial Parliament of Lower Canada. 121

July 18,  
Quebec.

Kempt to Murray (No. 76). Calls attention to five bills reserved in the session of 1829. Three of them are of great importance and the delay, although probably unavoidable, is complained of. Titles of the bills given, and their importance urged. 133

July 18,  
Quebec.

The same to the same (No. 77). The offer to the Hurons of Lorette of vacant Crown lands has not been accepted. They desire small lots for gardens, &c., in the neighborhood of Lorette. Has taken measures to ascertain how far it might be practicable to obtain such land. 136

*Enclosed.* Answer (in French) of the Hurons of Lorette to the offer of land made to them. 138

July 19,  
London.

Alymer to Hay. Returns dispatches except the papers relating to Canada which he has been allowed to retain. 330

July 19,  
London.

The same to the same. The number of persons for whom room is wanted in the frigate that is to take him to Quebec is six. 331

July 20,  
Quebec.

Kempt to Murray (No. 78). Transmits abridged abstract report of the expenditure on the Rideau Canal to the 30th June last. 145

July 20,

*Enclosed.* Abridged abstract report. 146

Kempt to Murray (No. 79). To have repairs effected on the Indian church at Lorette has had an estimate of the cost made by a respectable tradesman. The church is dilapidated and would have had it repaired but there is no fund on which he could draw. Asks for authority to draw on the army extraordinaries. 147

July 27,  
Quebec.

Same to the same (No. 80). Sends triplicate of letter recommending Major General Darling for a gratuity for his services in the Indian department. 149

August 3,  
Quebec.

Same to the same (No. 81). In reply to desire for further information on the charter of the Literary and Historical Society of Quebec sends information from the Chief Justice, who is president, with draught of the charter asked for and the first volume of the transactions. 151

*Enclosed.* Chief Justice to Kempt. 153

Additional instructions to Lord Aylmer to affix the Great Seal to the charter of the Literary and Historical Society of Quebec. 155

Proposed charter for the Literary and Historical Society of Quebec. 156

August 6,  
London.

Aylmer to Hay. Sends amended list of persons for whom passages are wanted in the frigate, making 11 in all. 332

August 7,  
Quebec.

Kempt to Murray (No. 82). Acknowledges the arrival of Richards with instructions to examine into the disposal and management of the territorial revenues of the Crown. Shall give him every assistance in his power. 170

August 11,  
Quebec.

The same to the same (separate). In answer to the instruction that he was to take measures to find if Hopper, master of the *Rorby*, who carried off a black sailor boy from Sierra Leone and left him at Sheerness destitute, transmits letter from the collector and comptroller of Customs at Quebec that a vessel named the *Rokeby* commanded by John Hopper entered from London on 8th June and sailed for Cork having cleared

63 VICTORIA, A. 1900

1830.

on the 14th July. Has not therefore been able to take any steps in the matter. Page 172

*Enclosed.* Collector and Comptroller to Kempt respecting the arrival and sailing of the *Rokeby*. 174

Aylmer to Hay. Two more persons added to the 11 to go by the frigate as per letter of the 6th. 333

Stuart to Yorke. *Enclosed* in Kempt to Murray, 22nd August, 1830.

August 15,  
London.

August 17,  
Quebec.

August 20,  
London.

August 21,  
Quebec.

Aylmer to Hay. Returns two books and a dispatch from Kempt sent for his perusal. 334

Kempt to Murray (No. 83). Had directed an investigation to be made in the case of the complaint of plundering the brig *Joseph* committed by the inhabitants of the Magdalen Islands and found that the reports were greatly exaggerated and the complaint against Colbeck the magistrate unmerited. Enters into minute details of the proceedings the result of the sale, the neglect of the captain and others interested, &c. Is afraid they cannot now recover the goods after so long a time has passed. 175

*Enclosed.* Colbeck to Rayside. Report of the alleged plunder of goods of the shipwrecked brig *Joseph* by the inhabitants of the Magdalen Islands, with affidavits. 183

Colbeck to Sir Charles Ogle. Reports the shipwreck of a brig on the Bird Islands and asks for help as promptly as possible. 192

Account sales of goods saved from the brig *Joseph* in May, 1829. 194

August 22,  
Quebec.

Kempt to Murray (No. 84). Transmits statement received from the Lorette Indians on their claims to Sillery and a report of the Attorney General thereon. 195

*Enclosed.* Stuart to Yorke. There is nothing in the memoirs of the Hurons or in the notes by Neilson to invalidate his former opinion as to Indian claim to Sillery. 197

Edward Bowen acting Attorney General. Report on the claim of the Indians to the seigniory of St. Gabriel, tracing the history of the grants from the earliest settlement and holding that the Hurons had no valid claim. 199

Report by Charles Marshal, Solicitor General and G. Vanfelson, Advocate General that the Huron Indians have no title to the seigniory of St. Gabriel. 210

August 23,  
Quebec.

Kempt to Murray (No. 85). Reports the arrival of 30 families, equal to 153 persons of paupers for whom there is no employment owing to the number of emigrants who preceded them. The only chance of employment is in the Eastern Townships where some roads are opening but they were entirely without means to take them there and government had no funds that could be applied for their relief. By the charity of the masters of two steamboats they had been conveyed to Three Rivers and Montreal, whence they may make their way to the Townships. Has communicated with the persons in charge of the roads and hopes work will be got for them for a few weeks. Remonstrates against sending paupers to the colony. 223

*Enclosed.* Recommendation by the magistrates of the county of Kildare to the committee of the emigrant office of Quebec recommending certain individuals and their families sent to Canada. 225

August 23,  
Quebec.

Kempt to Murray (No. 86). Acknowledges receipt of dispatches with list of the same. 226

September 1,  
Quebec.

The same to the same (No. 87). Has received dispatches approving of his course respecting fees on village lots. Calls attention to the dates of two orders in Council which leave somewhat doubtful the scale of fees to the Secretary of the province and the Surveyor General. It being part of Richards's inquiry to examine into the fees in the land granting

## SESSIONAL PAPER No. 8c

1830.

- department he had held a long interview on the subject with Richards and considered it expedient not to promulgate at present any change whatever in the table of fees. Shall promulgate the tariff when he receives approval. Page 228
- September 1, Kempt to Murray (private). Has received letter that the officials are to retain their offices at the decease of the late King. The statute 57 George 3, cap. 45, is obsolete and inapplicable and the public officers, (under the authority of 6 Anne 7) can only continue for six months after the decease of the sovereign, concludes that means will be found before the expiry of that time to remedy the inconvenience. He might issue new commissions before the 20th of December, but on that day his own commission ceases, unless he receive a new commission before then. 231
- September 1, Same to the same. Has received the melancholy news of the death of George 4th. Has proclaimed William 4th on the day after receiving news of the death. 233
- September 6, The same to the same. Transmits copy of letter from the Chief Justice resigning his seat in the Executive Council. 235
- Quebec. Enclosed. Chief Justice Sewell to Kempt. Resigns his seat in the Executive Council. 236
- September 23, Kempt to Murray (No. 89). Refers to letter of 29th November, 1828, respecting rations to settlers on the post road to Fredericton. Sends report on the road after a personal inspection by Stayner, deputy postmaster general. 238
- Quebec. Memorandum on Kempt's letter. 239
- Enclosed. Report by the deputy post master general on the present condition of the post route between Quebec and Halifax, with suggestions for its improvement. 240
- Statement of the stations on the Temiscouata road with notes. 253
- Statement of the present condition of the post road between Quebec and Fredericton with notes including the probable cost of improvement. 260
- September 23, Kempt to Murray (No. 90). Transmits application from Capt. Mathew Elliott for half pay. 266
- Quebec. Enclosed. Application from Matthew Elliott for half pay stating his services. 267
- Papers relating to the application. (The name *Mathew* is differently given in the letter and in the memorial, the spelling in each of the documents being reproduced. He himself wrote Matthew Elliott but signed only M. Elliott. 269 to 271
- September 27, Kempt to Murray. Has been informed that Lord Aylmer is to succeed him. 272
- Quebec. The same to the same (No. 91). Reports having directed the Receiver general to place the £1,280 3. 4. received from the sale of the Caldwell property to the credit of the Jesuit estates. 273
- September 28, The same to the same (No. 92). On receiving news of the death of the King, he dissolved Parliament and issued writs for a new election. The new Act for effecting more equal representation in the Assembly has come into effect. The election causes no excitement and those begun are carried on without any unpleasant feeling. Most of the former members will probably be re-elected. 276
- Quebec. The same to the same (No. 93). Has communicated to the judges of the court of King's Bench the answer to their memorial, so that matter is settled. But the Chief Justice of Montreal sends an application on the ground of having to attend the court of Appeal. By the constitution of that court, which sits at Quebec four times a year, ten days each term, each member is allowed £100 a year, which is given on account chiefly of their services in the court of Appeal in addition to which service, the Chief Justice of Montreal must, to give his attendance, travel a

63 VICTORIA, A. 1900

1830.

distance of nearly two hundred miles. His claim for additional remuneration on this account is but reasonable; recommends, therefore, that he be paid an additional £100 a year. Page 298

*Enclosed.* Reid to Kempt. Reminds him of application for increase of salary not acceded to by his Majesty's Ministers. Applies for increase to the allowance for the expenses he incurs going to Quebec. 281

October 1,  
Quebec.

Kempt to Murray (No. 94). Transmits copy of report from the Roman Catholic Missionary of the Indian department with value of lands asked for by the Indians of Lorette for gardens and agricultural purposes. Believes that by the expenditure of £1,000 a portion of the lands might be obtained which would dispose of the claims of the Indians to Sillery. 285

*Enclosed.* Report of Rev. Mr. Cooke (in French) on the value of lands in the village of Lorette, which could be obtained for the Indians. 287

October 2,  
Quebec.

Kempt to Murray (No. 95). Recommends that William Cleghorn receive a grant of 500 acres. 288

October 4,  
York.

Colborne to Kempt. *Enclosed* in Kempt to Murray 12th October, 1830. 289

October 8,  
Quebec.

Kempt to Murray (No. 96). The inconvenience caused by the publication of his dispatches. One on the subject of the Executive and Legislative Councils has been printed in some of the newspapers of the province so incorrectly as to lead to the belief that he said he could only find three persons fit to be called to the Legislative Council, a statement repeated by the late speaker of the Assembly, much to his (Kempt's) surprise after the conversation between them. Such gross misrepresentations are calculated to do much mischief in a colony where great political excitement has prevailed. Is afraid of the difficulty of refusing to produce dispatches, but suggests that when they are presented to Parliament he should be authorised to publish them in the Official Gazette, to prevent incorrect copies from getting before the public. 290

*Enclosed.* Report of the proceedings at the election for the West Ward of Montreal. 293

October 12,  
Quebec.

Kempt to Murray (No. 97). Reports his satisfaction that he has been able to pay Gaie the £1,000 directed to be paid to him. This has been done from the land and timber fund, but it has absorbed all the revenue from that source. 295

October 12,  
Quebec.

The same to the same (No. 98). Sends extract from dispatch from Sir John Colborne for arms and accoutrements for a volunteer militia force of 6,000 infantry and 500 cavalry. Has issued orders to the respective officers to that effect. 297

*Enclosed.* Sir John Colborne to Kempt. Asks for arms and accoutrements for 6,000 infantry and 500 cavalry of a volunteer force. 299

October 19,  
Quebec.

Kempt to Murray (No. 99). In answer to inquiry respecting McKay's travelling expenses to Penetanguishene to which the distribution of presents to the Indians was transferred from Drummond Island, is not prepared to defend the expense on general principles but from McKay's services and high character recommends that he should not be called upon to refund payments. 300

*Enclosed.* Comparative statement of the Indian establishment at Drummond Island and Penetanguishene. 303

October 19,  
Quebec.

Kempt to Murray (No. 100). Transmits requisition for stationery. 304

October 19,  
Quebec.

The same to the same (No. 101). Has received application from Rev. Edward Black, Minister in Montreal of the Church of Scotland for a grant of land. His zeal and ability; recommends that the grant be made. 305

## SESSIONAL PAPER No. 8c

1880.  
October 20,  
Quebec.

Kempt to Murray (No. 102). Warrant provides that land is to be given to soldiers of good character without fees being charged. In accordance with this he has given the benefit to five soldiers discharged from the 15th regiment, the officers employed in preparing the warrant to be paid fees from the military chest. He is in this respect following the precedent set in the case of the disbanded soldiers settled after the late war. Page 307

October 20,  
Quebec.

Aylmer to the same (No. 1). Arrived on the 12th; this morning he took the oaths of office in presence of the Executive Council. Had only received a provincial commission to act as administrator of Lower Canada, asks that the commission as governor in chief be sent. 335

November 12,  
Quebec.

Same to the same (No. 2). Transmits petition of Samuel B. Hart of Three-Rivers, on the subject of his appointment to be a justice of the peace. Is ready to take the oaths but being known to be of the Jewish faith he was not considered by the Executive Council and Attorney General to be qualified for the office. Sends correspondence on the subject. 337

Enclosed. List of documents connected with the case. 339

Circular asking the person to whom it is addressed if he is willing to act as justice of the peace and to take the prescribed oaths. 340

The same in French. 345

To both the provisions of the Act are added opinion of the Attorney General, that a Jew cannot qualify to the office of justice of the peace and cannot therefore be appointed. 350

Report of the Executive Council, that Samuel B. Hart being a Jew cannot be appointed a justice of the peace. 351

Yorke to Hart. His Excellency being advised by the Executive Council and the Attorney General that he (Hart) being a Jew cannot take the prescribed oaths; cannot therefore be appointed a justice of the peace. 353

Hart to Glegg. Asks for copies of reports from the Executive Council and Attorney General to enable him to complete his memorial to Lord Aylmer and the House of Assembly. 354

Glegg to Hart. Aylmer will give prompt attention to any memorial from him (Hart) but from the inconvenience that would arise from giving copies of official reports to individuals withhold copies of these relating to this subject. 356

Petition of Hart to Aylmer to transmit his petition to the King on the subject of his being refused the office of justice of the peace on the ground of his religion. 358

Petition to the King on the same subject. 360

Glegg to Hart. His petition and relative documents shall be forwarded forthwith. 365

November 17,  
London.

Kempt to Murray. Transferred the Government of Lower Canada to his successor on the 29th ulto. Before leaving he had arranged for organizing the militia under the law passed in the last session; all that remains to be done is to fill up the list of the officers of companies. Had acted as impartially as possible in making the appointments. Had before delivering over the government issued new commissions of the peace for Quebec, Montreal and Three Rivers which he had done without distinction of party. Trusts the arrangements will allay the excitement which prevailed on the two subjects. Calls attention to the cases of the chairmen of the Quarter Sessions of Quebec, Montreal and Three Rivers, who are left without remuneration. 311

November 23,  
Quebec.

Aylmer to the same (No. 3). Dispatches (described) received by the September and October mails. 366



63 VICTORIA, A. 1900

1830.  
November 29, Aylmer to Murray (No. 4). Transmits petition from the widow  
Quebec. of Quarter-Master Agnew for a grant of land. Recommends that she be  
granted 100 acres. Page 368
- December 4, Enclosed. Petition from Widow Agnew. 369  
London. Memorandum by Kempt on the state of the Legislative and Executive  
Councils of Lower Canada with a view to the appointment of additional  
members. 316
- December 11, Kempt to Goderich. In reference to the addition of members to the  
London. Executive Council recommends the appointment of Louis Guy and  
George Moffat. The position and character of the two gentlemen. As  
the number of members of the Legislative Assembly has been increased  
thinks it advisable to increase that of the Legislative Council. 317
- December 18, Aylmer to Murray (No. 5). Asks for a bound copy of the Acts of  
Quebec. Parliament for the use of the Attorney General. 371
- December 19, The same to the same (No. 6). The Commissioner of Crown lands is  
Quebec. desirous to dispose of them either by seigniorial title or in free and  
common socage as the purchaser may desire. Being doubtful of his  
own power has referred the question to the Attorney General whose  
report is sent, by which it appears that if the Imperial Acts are not  
binding, they indicate that the policy is to convert the seigniorial title  
into that of free and common socage and it is upon this point he desires  
instructions; prevalence of the seigniorial tenure, to which the French  
Canadians are much attached; to deny them this right would be to  
exclude them from the purchase of Crown lands. The rarity of applica-  
tions for a change of tenure to free and common socage is a proof of  
this. Asks that he may have authority to sell the Crown lands with  
the option to the purchaser of acquiring them by either tenure. 372
- December 27, Enclosed. Report of the Attorney General as to the tenure under  
Quebec. which purchasers may hold the Crown lands they may acquire. 375
- Aylmer to Murray (No. 7). Has submitted to the Crown law officers  
and to the judges the question "what effect the demise of his late Majesty  
"will have on the commissions of public officers in this province after  
"the lapse of six months from that event and whether a renewal of such  
"commissions will be of indispensable necessity before the expiration of  
"said period of six months." The answers having been substantially in  
the affirmative new commissions have been issued. To inform the law  
officers of the Crown in England of the reasons the reports are sent.  
Asks for information respecting the right of the provincial Secretary  
and the Attorney General to charge fees on these commissions. 377
- Enclosed. List of reports and other papers relative to the effect of  
the demise of George the 4th on the commission of public officers in  
Lower Canada. 380
- December 28, The report and other papers. 381 to 426  
Quebec. Aylmer to Murray (No. 8). The proceeds of the clergy reserves  
directed to be paid to the Commissary General to be remitted by him  
to the Treasury. 427
- December 30, Memorandum (private). Kempt sends papers relating to the pro-  
London. posed appointment of Papineau to the Executive Council. The papers  
were communicated to Aylmer who asked him (Kempt) to obtain a man-  
damus for Papineau to take his seat in the Executive Council. In a  
report to the late Secretary of State he recommended the appointment  
of one or two of the members of the House of Assembly to seats in the  
Executive Council and had this been approved of, had intended to recom-  
mend Papineau. 319
- Enclosed. Dalhousie to Papineau. Proposes that the Speaker of the  
Assembly should be *ipso facto* a member of the Executive Council.  
Before taking steps desires to know if there is any constitutional objec-  
tion to this. 321

Q. 195

SESSION

1830

Decem-  
ber  
London.1830  
January  
Quebec.January 2  
Halifax.January 2  
Quebec.January 2  
Quebec.January 2  
Washingt.



## SESSIONAL PAPER No. 8c

1830.

Minutes of the Council on the subject of giving seats in Council to members *ex-officio*. Pages 323, 325

December 31,  
London.

Memorandum by Kempt of dispatches to which attention is drawn.

327

## MISCELLANEOUS, 1830.

(This volume is numbered 72 in the Public Record Office, London.)

## Q. 195-A.

1830.

January 3,  
Quebec.

Kempt to Hay, (private and confidential). Repeats the opinion that a larger proportion of members should be appointed to the Legislative Council, who do not hold office from which they are removable by the Crown so as to remove, as much as possible, the suspicion that members are controlled by the local government, which his experience shows to have been a misrepresentation. So long as a majority of members hold offices at the pleasure of the Crown so long will improper motives be ascribed to them if they do not concur in popular measures. Charge made by leaders of the Assembly that the Council improperly on many occasions, have withheld their assent to important Acts passed in the lower House. Explains the difference of the practice in the British and Lower Canadian Assemblies, in the first of which all Acts are introduced by the Ministry or with their consent, in the other, government has no influence whatever, so that popular Acts are passed by the Assembly which are at variance with British statutes, with instructions to the governor, or with the rights of the Crown. In these cases the Council interposes by withholding its assent. In the case of bills from the Council the same thing takes place in the Assembly and bills of great public importance are lost for want of cordiality. The serious embarrassment he meets with in carrying on the government, he studiously abstains from being of any party or having partisans in either House. Has endeavoured to act justly and impartially and to bestow patronage only on men of acknowledged merit. In P. S. gives an instance of a bill thrown out repeatedly in the Council and finally thrown out in the Assembly owing to the speech of a distinguished French Canadian showing that the action of the Council was justified. Page 1

January 22,  
Halifax.

Charles Morris to Sir Howard Douglas. Enclosed in Douglas to Hay, 18th March, 1830.

January 22,  
Quebec.

Kempt to Hay (private). Is sending by New York dispatch stating that he had opened the session about an hour ago and sends copies of the speech he delivered. Will send a public dispatch by the first Halifax mail with copy of a message he has prepared on the financial question. The difficulties that arise when public dispatches and instructions are made public or submitted to parliament. 8

Enclosed. Speech at opening the legislature. 10

January 25,  
Quebec.

Kempt to Hay. Has received bag with December mail. His disappointment at receiving no answer to his dispatch of 28th September last or to his confidential communication of the same date. 18

January 25,  
Washington.

Vaughan to the Same. The definitive statement of the United States on the boundary question must have been received: is anxious to see the British statement; to remind Backhouse to send him a copy. Newspaper criticism about McLane's negotiations do not apply to him (Vaughan) as construed in the United States, but to the intimacy between Ouseley and McLane. The true policy of Great Britain and the United States is to live on the most friendly terms, but the sacrifices for that end must be mutual. Looking back ever since the separation it is

63 VICTORIA, A. 1900

1830.

mortifying to find that Great Britain has been somewhat outwitted. The treaty of Ghent should have settled the boundary. In the subsequent convention where was the equivalent for the surrender of the navigation of the Mississippi and the opening to the United States of the trade with the East Indian possessions? when the terms of peace could have been dictated in 1814, the division of the islands off their coast was left to arbitration and the risk is running that territory will be circumscribed in New Brunswick. What equivalent can be offered for opening the West Indian trade cut off by their own obstinacy in 1827, but a liberal commercial tariff? The proceedings of Congress indicate a determination to continue their prohibitory duties. It must be borne in mind that the people of the United States are singularly bargaining and pertinacious and that the tradesmanlike principle must always enter into negotiations with them. Why he has said so much on these subjects. Discusses private affairs. Page 297

- February 1, Memorandum by G. M. (Sir George Murray?) to Hay. That a revision of the land granting system in the North American provinces is advisable on certain principles. These are detailed. 228
- February 2, Westmoreland to the same. Asks him to forward letter to Fane and to send word when the packet to Nova Scotia sails. 313
- February 4, Kempt to the same. Had transmitted copy of message which he had sent to the Legislative Council and Assembly respecting finances. Sends copy of address from the Assembly in answer. 16
- Quebec. *Enclosed.* Resolution of the Assembly thanking His Majesty for assurances that an amicable arrangement would be effected of the financial questions that had raised so much controversy. 17
- February 5, Sir Howard Douglas to Hay. Had been examined by the commission on internal communication in New Brunswick and in relation to the importance of the Baie Verte Canal. Referring to his dispatch relating to it, presumes there will be no objection to his handing the board copies of the papers, but as they form part of the official correspondence asks for sanction to do so. 97
- London. Cochrane to the same. Calls attention to the writings of Franklin on the subject of the boundaries of New Brunswick and the United States. Remarks on the settlement of the boundary by the treaty of 1783. 89
- February 11, *Enclosed.* Extract from Franklin to Livingston on the boundary to be settled by the treaty of 1783. 92
- St. John's, Newfoundl'd. Darling to —. Renews his application in respect to the Indian department in consequence of the death of Sir John Johnson and the probable early retirement of Givens. If the Secretary of State is not disposed to make use of his services in the Indian department, hopes he may favourably entertain his wishes in respect to other employment. 175
- February 16, Gouley to —. Asks that John Gullan, the bearer, may be advised respecting emigration to Canada. He is anxious to go there and has about £500 or £600. 193
- Reydon. Sir Howard Douglas to Hay. When will Murray's colonial estimates be moved in the House. Hopes to have some observations ready on Parnell's article on financial reform. His policy is suicidal. 98
- February 22, Campbell to the same. Is informed that it is intended to submit to Parliament the expediency of giving up to the provincial legislature the entire control of the revenue accruing from 14 George 3, cap. 88. Does not know if the territorial revenue is to be given up but knows such a request will soon be made and insisted on. Whatever may be the eventual result the first effect will be the immediate retrenchment of all salaries and pensions, thus placing the servants of the Crown at the mercy of ill-qualified and ill-disposed persons. This is not the intention of government but it will be the case unless precautions are taken. Why he has brought this subject forward. The dissatisfaction of the
- February 22, York.

February 19,  
Paris.  
February

March 2,  
Quebec.

March 6,  
London.

March 6,  
Colonial  
office.

March 9,  
Quebec.

March 15,  
York.

March 16,  
Foreign O

March 17,

March 17,  
Stoke.

ed. The  
sequent  
rigation  
ade with  
ve been  
left to  
scribed  
ing the  
liberal  
ermina-  
ind that  
ertinaci-  
negoti-  
iscusses  
age 297  
revision  
divisible  
228  
e and to  
313  
had sent  
nds copy  
16  
esty for  
e finan-  
17  
mission  
n to the  
relating  
d copies  
nce asks  
97  
n on the  
d States.  
B. 89  
ndary to  
92  
e Indian  
and the  
te is not  
he may  
c. 175  
advised  
and has  
193  
estimates  
ready on  
98  
submit to  
ature the  
8. Does  
s such a  
r be the  
ent of all  
n at the  
he inten-  
re taken.  
on of the

## SESSIONAL PAPER No. 8c

1890.

- February 26, Paris. Assembly at the rejection by the Council of bill for the disposal of the clergy reserves for purposes of general education and public improvement; and also at the recent expensive establishment of an academy at York and by the rumour that retired half pay officers are to be appointed to the Council. Page 169
- February 27, Montreal. Hall to Hay. Sends letter to be forwarded to Lady Sarah Maitland. 200  
Dalhousie to the same. Introduces and recommends Forsyth of 178  
Kempton to the same (private and confidential). The January mail by Halifax has not yet arrived. Has received by New York letters from London dated the 16th of that month. Has never had so difficult a part to perform as in this parliamentary campaign; he feels as if sitting on a barrel of gunpowder. The debates in the Assembly have been very violent on old matters he thought had been sunk in oblivion. The storm is now directed against the judges and the two Councils; is trying to act as mediator, to keep his temper and to avoid coming into collision with either branch. Has heard nothing of Murray's financial proposals. If it is intended to give up the Crown revenues both he and Colborne think that should be done graciously, rather than to keep up excitement and eternal discussion on the financial question. Sends newspaper with report of debates and articles to show the spirit that prevails on some subjects. 19
- Enclosed. Letter and articles from a Montreal paper on the refusal to grant an Act of incorporation to the St. Hyacinthe college and remarks on the judges. 22
- John S. Morris to Sir Howard Douglas. Enclosed in Douglas to Hay 18th March, 1890. 22
- Villiers to Hay. Has written a letter to the Chamber of Commerce which he sent to Stephen to be shown to him (Hay), but Stephen was at Kensington to which the letter was directed and has not yet found its way back 310
- Kempton to the same. Sends Quebec newspaper with report of debate in the Assembly on the militia and other matters. 29
- Colborne to the same. Shows at some length that the principal business of the province is carried on through the government office called improperly the private secretary's. How the business must be distributed if this office is abolished. Remarks on other offices. The inability of Small in the Executive Council office; owing to his former services the Councillors desire he should retain his situation but they cannot recommend that his son James should take his place. Parliament was prorogued on the 7th; the session was conducted quietly. Presumes that the revenues arising from the Quebec duties would be placed under the control of the legislature; recommends that the statute 14 George 3 should be repealed, whatever the embarrassment of government in passing the estimates. Begs that the Upper Canadian college may be kept in view; 90 scholars admitted this quarter. While they have the best school in North America no boys will be sent from the province to the United States for their education. Only asks for support for the institution for seven years, and will propose that it be endowed with one of the school townships 71
- March 6, London. Backhouse to the same. Asks for the petition of New Brunswick on the subject of West Indian intercourse for Lord Aberdeen's perusal. 160
- March 6, Colonial office. Notes and remarks on the officials in the various provinces. 62  
(These notes are unsigned).
- March 9, Quebec. Brindley to Hay. Asks what advantages would be given to families removing to the British North American colonies. They are undecided between Upper Canada and Ohio. Two families will have about £20 each after paying their passages. 161
- March 15, York.
- March 16, Foreign Office.
- March 17,
- March 17, Stoke.

63 VICTORIA, A. 1900

1830.  
March 18,  
London.

Sir Howard Douglas to Hay. Sends letter on the subject of his proceeding to Holland on the business of the boundary arbitration. Also puts into his hands a letter that may serve as an introduction to Morris, son of the Surveyor general of Nova Scotia. He (Douglas) cannot recommend the petition till the views of the Lieut.-Governor shall be made known to the Secretary of State. Page 99

Enclosed. Charles Morris to Douglas on behalf of his son whom he desires to succeed him as Surveyor general for Nova Scotia. 100

John S. Morris states his qualifications to succeed his father. 103

March 22,  
London.

Bosanquet, Pitt & Co. to Hay The Welland Canal is now open for the passage of ships by the Niagara river. Are authorised to issue 1697 shares unsubscribed for and offer to supply such number as may be required. 103

March 27,  
Quebec.

Kempt to the same. Sends Gazette with speech at closing the session and list of bills passed. The supply bill to which he has assented is similar to that of last year. The salaries objected to last year have been deducted from the estimate and those of the chairmen of the Quarter Sessions have for the first time been deducted. 30

Enclosed. List of Acts passed and reserved and speech at closing. 31

Speech in French. 43

Memoranda of deductions made from the estimates for civil expenditure. 46

April 5,  
Quebec.

Kempt to Hay (private). Has received his private letter and will do all in his power for the success of the Zoological Society. No such duck as is described is to be found in Lower Canada Has written to Upper Canada to find if such a wild duck is to be found there. Hopes to get and send a pair of beavers this summer. 48

April 7,  
Treasury.

Dawson to the same. Asks for the strongest letters of recommendation and as many as possible in favour of James B. Ferguson who is to sail for Canada on the 16th. 177

April 9,  
Quebec.

Kempt to the same. An unsuccessful attempt made to appoint Hyde Villiers to be joint agent with Sir James McIntosh. The Council inserted the name but it was struck out in the Assembly and the bill was defeated. The hostile spirit which characterises the Assembly towards the Council. 50

April 9,  
London.

Richardson to —. Has resolved to go to Canada on the terms offered. Is desirous to have a full and free conversation as to the duties, &c. 224

April 10,  
London.

Grant to Hay. Asks him to read the enclosed and to tell him what answer to give. The enclosed to be returned. 194

April 13,  
La Haye.

Sir Howard Douglas to the same. The point alluded to by Sir Thomas Cochrane in the letter from Franklin had been used before Cochrane directed attention to it. 106

April 20,  
Washington.

Vaughan to the same. The speedy passages of the mail packets. The rest of the letter is on personal subjects. 302

April 24,  
Torquay.

Dashwood to the same. Sends letter to be forwarded to Sir Howard Douglas now at the Hague. 179

April 26,  
Bytown.

By to Kempt. Enclosed in Kempt to Hay 6th May, 1830.

April 26,  
Malta.

Frere to —. Sends a letter to be franked which he has left open as it relates to colonial matters and the government may be importuned in favour of parochial emigrants. It is desired to keep them together that they may attend to the cultivation of hemp. 187

May 6,  
Quebec.

Kempt to Hay. Sends letter from By to show that there is a prospect of obtaining the wild duck wanted. 52

Enclosed. By to Kempt. He has spoken to Indians who are to try to get specimens of the wild duck wanted. The species is to be met with on the Rideau but is very rare. 53

Q. 195

SESSION

1830

May 7,

Navy Of

May 11,

Navy Of

May 12,

Navy Of

May 14,

Quebec.

May 14,

La Haye

May 14,

La Haye

May 16,

La Haye

May 18,

York.

of his  
n. Also  
Morris,  
cannot  
shall be  
Page 99  
nom he  
100  
103  
for the  
ue 1697  
may be  
163  
sion and  
similar  
een de-  
Quarter  
30  
ing. 31  
43  
expen-  
46  
will do  
ch duck  
o Upper  
to get  
48  
oundation  
to sail  
177  
at Hyde  
inserted  
defeated.  
e Coun-  
50  
ffered.  
&c. 224  
im what  
194  
Thomas  
ochrane  
106  
packets.  
302  
Howard  
179  
pen as it  
tuned in  
her that  
187  
prospect  
52  
e to try  
met with  
53

## SESSIONAL PAPER No. 8c

1890.  
May 7,  
Navy Office.

Martin to Hay. No other official communication on the subject of Sir Howard Douglas's suggestion is needed than one to himself. If Martin signify his wishes a private order will be sent to the master attendant of the Halifax yard for the execution of the service alluded to. If Sir Howard Douglas be the master attendant from personal knowledge or from satisfactory report of his fitness he will be the proper person to employ, but he should not have selected him for a service of such a nature. Personally he knows little about the master attendant (Douglas) but expresses doubts on the subject as he has been out of the practice surveying for full sixteen years. Would himself, if called on to recommend, propose one of two persons now in England. Page 205

May 11,  
Navy Office.

The same to the same. Colonel Graydon has no acquaintance with the master attendant at Halifax. Sir Howard Douglas might be informed that if he feels he can fully confide in Mr. Douglas to settle so nice a point, orders will at once be sent to him to proceed to the spot to begin a series of observations, but that at the Navy Office nothing has ever been heard of Douglas making surveys or astronomical observations, or of his being in possession of suitable instruments. If Sir Howard Douglas is satisfied, his selection should be relied on. Had been cautious with Col. Graydon and made the inquiries so as to lead it to be thought the survey related to Sable Island. 207

Enclosed. Graydon to Martin. Has been in New Brunswick for the last four years, so he knows nothing of Douglas, the master attendant at Halifax. The measures necessary for taking surveys. 209

May 12,  
Navy Office.

Martin to Hay. Sends letter from Graydon just received. 212  
Enclosed. Graydon to Martin. Has learned that Douglas is not a scientific person. 213

May 14,  
Quebec.

Kempt to Hay (private). In reference to the letter from Lord Roseberry respecting his brother, regrets that he sees no prospect of a vacancy in any of the higher legal situations in Lower Canada, which Mr. Primrose could with propriety be selected to fill. He is now Inspector General of the King's domain and Clerk of the Terrars, the duties of which are discharged in a satisfactory manner. The salary is small, but the emoluments will increase as the Crown domain becomes more valuable, since they arise from fees. 54

May 14,  
La Haye.

Sir Howard Douglas to the same. Has executed his commission respecting flowers. Remarks. 111

May 14,  
La Haye.

Same to the same. The caution to be observed in laying the accounts of the Colonies, which have legislatures, before the House, so that it should be understood this is done for information and not for revision. Has read and re-read report on the colonies which agrees with what he had long written and said as to the astonishing progress of the British North American colonies. Urges that the policy be not reversed at the instance of the United States. 108

May 16,  
La Haye.

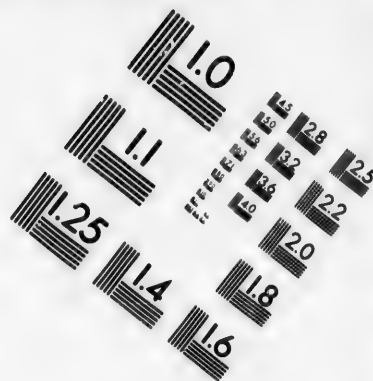
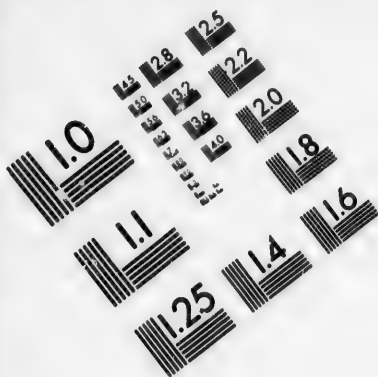
The same to the same. Will write in a few days on interesting circumstances that have occurred. Believes that the report of the collisions in the disputed territories are unfounded. The bad effects of the indifference shown by the British respecting the settlement of the boundary compared with the prominence given to it in the United States. Suggests that a question might be asked in the House to show the importance attached to the subject. 112

May 18,  
York.

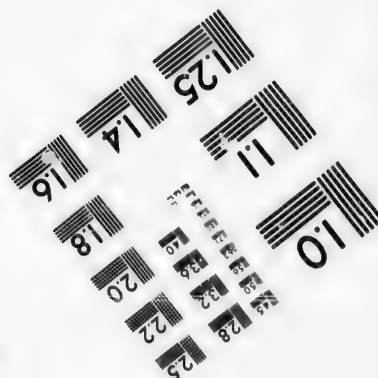
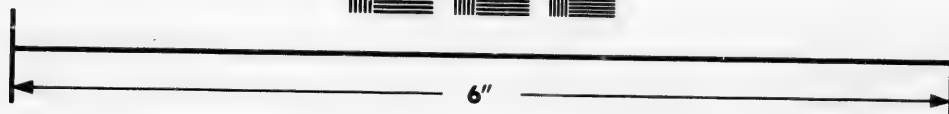
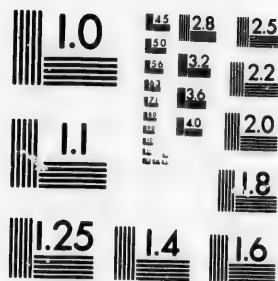
Colborne to the same. The surplus mentioned cannot be appropriated without the sanction of the legislature. How the supplies have been asked for and the balances have arisen. The Quebec duties under the control of the Crown being sufficient to defray the whole of the charges of the civil establishment of 1829 no aid was required from the legislature and the balance accruing from former estimates was necessarily







# IMAGE EVALUATION TEST TARGET (MT-3)



# Photographic Sciences Corporation

**23 WEST MAIN STREET  
WEBSTER, N.Y. 14580  
(716) 872-4503**



63 VICTORIA, A. 1900

1830.

- placed at its disposal. Has solicited permission to erect a building for the public offices. If granted the charge of £240 for rent would disappear and the arrangement will afford great convenience to the public. Has transmitted an amended list of recommendations for the Council, which he asks may be approved of as speedily as possible. Page 75
- May 18,  
The Hague. Sir Howard Douglas to Hay. His (Hay's) plan is the very best way of proceeding. The person selected should be sent at once, charged to be secret and should pass for an idle traveller asking for him (Douglas) as an acquaintance. 119
- May 19.  
Lansdowne House. Lansdowne to the same. Thanks for the trouble taken with the Wiltshire emigrants. 204
- May 21,  
La Haye. Sir Howard Douglas to the same. Sir George (Murray) and he (Hay) will have heard with regret the news from Nova Scotia. Had foreseen the collisions between the two Houses in every colony when he read the report of the committee of the House of Commons finding fault with the constitution and composition of the Councils. Shall send observations on the history of the troubles in Massachusetts showing what happened and will happen if the Councils be rendered independent of government. It is only by the present constitution that a sufficient substitute for the House of Peers can be found and if formed in any other way at present the monarchical system will be endangered. There is a good deal of personal feeling in what has passed. The speaker of the Assembly is a candidate for the office of Chief Justice. The Attorney General and Judge Haliburton do not think he has been delicate in advancing his pretensions. The judges wish for an increase of salary which has been refused; the Council is weak; its constitution should not be altered, but its composition may be gradually changed by substituting to some extent persons of influence for some of the public servants of whom the councils are now composed. 120
- May 21,  
La Haye. Same to the same. Reports his having been asked by the King respecting New Brunswick. How he could be helped by the press. Repeats his suggestion that questions should be asked in Parliament respecting the boundary. The King finds the case a difficult one to deal with. 122
- May 25,  
La Haye. The same to the same. Delay in the arrival of the mail compels him to dictate letters. Shall write his observations on the point settled. Soon after writing to know about the progress of the business he (Hay) would have received an important communication. Hopes that his conduct will be approved of by Murray, Bagot approves and so, he believes, does the Foreign Office. Sir Charles Bagot is better, but fears his confinement will be tedious. This renders it necessary that he shall act in a moment. The favourable impression produced by his reserve. The illness of Bagot deprives him of many agreeable and profitable opportunities. He will improve his acquaintanceships *chez-soi*. He has been much noticed and entertained. 115
- May 28,  
La Haye. Same to the same. Returns Stewart's memoir and pamphlet with observations; asks that a copy be sent to Kempt. 118
- May 28,  
St. John's,  
Newfoundl'd. Pearl to the same. Asks him to forward letters to the Prince of Mockowa. 222
- June 4.  
Downing Street. Bathurst to the same. Maitland intended to leave Bermuda for Halifax in May. Asks for the map of Greece for a short time. 164
- June 7,  
Navy Office. Martin to the same. Shall call with Lieut. Kendall, unless he hears from Barrow of a more competent and better qualified person. 214
- June 12,  
La Haye. Sir Howard Douglas to the same. Had finished his conferences with Lieut. Kendall. Has sent some dahlia roots and plants. 126

uilding for  
ould disap-  
the public.  
e Council,  
Page 76  
y best way  
charged to  
(Douglas)  
119  
with the  
204

he (Hay)  
d foreseen  
e read the  
t with the  
servations  
happened  
overnment.  
ate for the  
at present  
od deal of  
mbly is a  
eneral and  
ancing his  
has been  
tered, but  
to some  
whom the  
120  
the King  
he press.  
liament  
ult one to  
122  
apels him  
t settled.  
he (Hay)  
t his con-  
believes,  
his con-  
shall act  
ve. The  
le oppor-  
has been  
115  
let with  
118  
Prince of  
222

for Hali-  
164

he hears  
214  
ces with  
126

## SESSIONAL PAPER No. 8c

1830.  
June 15,  
St. John's  
Ntwwoundl'd.

Cochrane to Hay. Desires to know if it is necessary to apply for leave should he wish to go to Halifax. Is glad to have leave to repair the bridges, &c.; wishes he had a fund for improvements for he never saw a place where a moderate sum could accomplish so much. There being no Assembly to make jobs out of public expenditure his money is doubly reproductve. Does not say the island would become an agricultural colony in the fullest sense of the word yet a vast deal may be done in that respect; no sooner is a path opened than there are applications for grants near it. In Prince Edward Island, whose trade for a twelve month does not equal that of Newfoundland for a fortnight, they can appropriate from £3,000 to £4,000 a year for roads whilst here there is not a road on which a cart can go four miles from the town. Capt. Pearl has settled down to farming; others, he understands, intend following. A few persons annually, with capital might be settled to advantage, as the importation of necessaries which the soil could supply is considerable and they could be raised with profit provided there was an easy access to market.

Page 94

June 16,  
Navy Office. Martin to the same. Thinks Sir Howard Douglas has formed a just estimate of Kendall's fitness. 215

June 17,  
London. Grant to the same. Has received a letter to Maitland sealed. Is it to be given to the emigrants or what is to be done with it. 196

June 18,  
Foreign Office Douglas to the same. Applies for a letter of introduction to Colborne in favour of James Thomson. 180

June 20,  
Guernsey. Blanc to the same. About a week ago had enclosed a letter to Sir Howard Douglas being assured that it would be forwarded. Now sends another letter. 165

June 20,  
The Hague. Sir Howard Douglas to the same. Sees that Murray has appointed a commissioner to reduce the salaries to a proper scale. Presumes this is to determine the rate of salaries in lieu of fees. Sends list of dispatches in which he called attention to this subject. If no notice is taken of these in the report he will probably be charged with being asleep. 127

June 21,  
London. Agar Ellis to the same. Returns the pamphlets on emigration to Canada. Lord Childer's Irish agents have altered their plan of sending off the tenants, so that it is unlikely government will be asked to give any grants of land. 184

June 22,  
Fredericton. Hurd to the same. Thanks him for the indemnity of £400, the payment of which he attributes to his (Hay's) kindness. Pressing private business has kept him waiting for papers. Is preparing to move to Canada and offers his services. 201

June 23,  
London. Agar Ellis to the same. Thanks for his offer to return the pamphlets but he (Ellis) is not likely to want them any more and they may be required for future emigrants. The two letters are puzzling unless there is one from Hay omitted which would explain them. 185

June 27,  
Cheshunt. Moody to the same. Could not when asked by Mayer give a satisfactory answer about American land boards. Now sends papers which he had obtained from Washington. Catalogue of papers. 216

June 28,  
London. Grant to the same. Asks for papers showing the conditions on which emigrants are allowed land in North America. He has letters of inquiry every day. 197

June 29,  
Quebec. Kempt to the same. Is happy to learn that His Majesty's government do not intend to give up the appropriation of the duties raised under 14 George III, but the proposal that the Assembly is to provide for permanent salaries for the governor, certain of the judges and members of the Executive Council he thinks highly objectionable, as these are the last persons who should in any way be dependent on the Assembly. The rumours of his desire to resign his office are well founded as he has been occupied abroad for 27 years and there need be no difficulty in finding a successor. 56

63 VICTORIA, A. 1900

1830.  
June 29,  
London. Murray to Hay. Has no papers about the Rideau canal except a few memoranda made for his own use when Stanley gave notice of a motion on the subject. Page 221
- June 29,  
Downing  
Street.  
June 30,  
London. Hay to Grant. Will take all his emigrants. Sends paper showing the division of labour [in the office]. 195
- June 30,  
Treasury. Grant to Hay. Sends letter received this morning. It refers to a case which would naturally fall within Colonial Office rules. 198
- July 3,  
Horse Guards. Planta to the same. Knows nothing of the writer of the letter except that he was introduced by Lord Castlereagh. Asks if his request to forward his letter to Newfoundland can be complied with. 223
- July 20,  
London. Taylor to the same. What is he to say to the writer of the enclosed. He is the brother of the late Duke of York's aide-de-camp and was employed as a commissioner in North America. 295
- July 23, Bainbridge to the same. Has been requested with his colleague Bliss to address Murray on the subject of a proposal for a treaty lately made by the United States. When it may be convenient to see them he shall be happy to attend with Bliss. 166
- July 24, Rose to —. Requests conditions of grants of Crown lands in Canada for an Irish farmer who wishes to settle there. 226
- August 14, Backhouse to Hay. Sends copy of dispatch from Vaughan some of the details of which may be of interest to his department. 167
- August 16, Colborne to —. Will postpone writing on the question of the division of the Council into Legislative and Executive, as he is desirous to enter into the subject more fully than he can do now. Believes that after the election consequent on the melancholy event [the death of the King] the intercourse between the two Houses will be resumed in a more conciliatory spirit. 84
- August 18, Rosslyn to —. Asks for a letter of recommendation to By for Alexander Kinninmount, brother of a constituent of his son now employed on the Rideau Canal. 227
- September 11, Richards to Hay. Reports his visiting Peterborough, the Bay of Quinté and Kingston, but not the Rideau. The Welland canal is open, the Rideau canal is expected to open next year. The granting of waste lands is the great obstruction to the settlement of Canada. When the 5 or 6,000,000 acres are disposed of, settlers must go to the remote regions of the north, yet unsurveyed. The number of emigrants arrived has been 23,000, but these have had no effect on the price of wages. The assistance given by the governor to his inquiries. The settlement of the lower province is similar in its circumstances to that of the upper and the Court of Escheat must be brought into operation against absentee proprietors if the provision of lands is to be continued to emigrants. 231
- September 17, Lady Sarah Maitland to the same. Asks him to forward accompanying letters. 218
- September 17, Colborne to the same. Asks him to forward enclosures. 78
- September 17, Richards to the same. Had arrived here by way of Lake Temiscouata. The difficult nature of the country at the portage; if travelling increases another line must be found. When he left Quebec 24,000 emigrants had arrived; wages were high and the emigrants scattered in all directions. Buchanan is getting them to Inverness, one of the townships; he has already got in 79 families and expected to exceed 100 before the end of October. The wisdom shown by Kempt in this operation. Progress of settlement. Finds in New-Brunswick the most ample field for emigration, there being about 10,000,000 acres open for occupation none having been granted to speculators or disposed of for fees. The good order introduced by the Commissioner of Crown Lands. 234

except a  
notice of a  
Page 221  
knowing the  
195  
rs to a case  
198  
ter except  
uest to for-  
223  
e enclosed.  
up and was  
295  
ague Bliss  
ately made  
m he shall  
166  
in Canada  
226  
n some of  
167  
of the divi-  
esirous to  
ieves that  
ath of the  
d in a more  
84  
to By for  
employed  
227  
he Bay of  
al is open,  
g of waste  
hen the 5  
te regions  
rived has  
ges. The  
lement of  
the upper  
n against  
ntinued to  
231  
company-  
218  
78  
miscouata.  
increases  
grants had  
directions.  
as already  
f October.  
s of settle-  
migration,  
aving been  
der intro-  
234

## SESSIONAL PAPER No. 8c

1830.

September 19,  
Washington.

Vaughan to Hay. Account of his illness which confined him to his room. Remarks on incidents in current European history. Thinks Lord Aylmer, the new governor of Canada, a very amiable personage.

Page 306

October 3,  
Yacht  
"Herald."

Maxwell to the same. Arrival at the Gulph of St. Lawrence after a tedious passage. Aylmer and party are well and in high spirits.

220

October 3,  
Melville  
Castle.

Lord Melville to the same. To detain the North American mail till Saturday.

219

October 10,  
Brighton.

Taylor to the same. Sends for reference to Murray a memorial from Willis, a barrister.

296

October 12,  
The Hague.

Sir Howard Douglas to the same. Has a good reason for writing very little from hence, but cannot resist sending the accompanying. Has put up a box of flower roots for him.

129

October 14,  
Halifax.

Maitland to the same. Has received permission to submit to the Assembly the King's casual and territorial revenue should the request be renewed. If they do they will carry it farther, as the desire is to have the disposal of all the revenues. The language of the dispatches made public in Lower Canada leads to the conclusion that the revenue raised under British Statutes is to be wholly or in part given up. The 14 George 3 involves the most difficult question, yet it seems hard that government should find itself in any perplexity about it, as when Lower Canada was taken the people were contentedly paying taxes imposed by Royal edict much more burdensome than the present and which were disposed of without the people dreaming they had any right to trouble themselves. Now that the people have been relieved and their liberal conquerors have new modelled their constitution they insist that His Majesty cannot without a violation of what is reasonable do anything but let them expend every shilling of the revenue which he raises in the colony and therefore submit to them whether he is to have a civil government in Lower Canada. The government does not stand on desirable ground to maintain the strict legal right to appropriate the duties and its difficulties will be increased if they surrender the 14 George 3 and not provide certain means for the ordinary civil list. Has it never occurred to Murray whether the course might not be adopted of paying the civil list of the colonies from the duties levied on importations from them? A scheme of this kind might be devised that would leave no ground for complaint.

86

October 19,  
The Hague.

Sir Howard Douglas to the same. Sends his own impressions. Hopes he has read what has been sent to Sir George and that the latter has read what was sent to him (Hay). Has refrained from writing to Backhouse. Hardings may be shown confidentially what he (Douglas) has written.

153

October 19,  
The Hague.

Journal de la Haye (in French).

130

October 21,  
London.

Goulburn to Hay. Sends *precis* of the Caldwell case to be considered with Murray. If their views differ from his he will adopt them as the question is one chiefly of colonial policy.

199

October 21,  
The Hague.

Sir Howard Douglas to the same. If Black has reported the attempt of the State of Maine to take a census in the Madawaska settlement a copy should be sent.

155

October 22,

Colborne to the same. No inconvenience will be avoided by securing salaries to the judges and leaving the payment of the departments to depend on an annual vote. Nor will the popular party allow the principle to be lost sight of on which the provincial legislatures claim the right of distributing the sums arising from duties levied under 14 George 3 as those from 18 George 3. If this could be prudently disposed of no



63 VICTORIA, A. 1900

1830.

other question but that of the clergy reserves is likely to create excitement. Recommends that the greater portion of these reserves should be sold as soon as possible. The future peace of the colony depends on the steps taken to remove the stumbling block. A respectable class of British emigrants has settled this season bringing considerable property in cash and bills. The large quantity of wheat and flour sent down the St. Lawrence. The store keepers are enriching themselves. The elections are over; few of the old members are returned. As to the raising a university in Montreal he would regret to see any institution formed that would remove a single individual who could be turned to account in the province. The useful connection to be formed between King's College and the Minor College should be considered. The necessity of removing the tests required of the professors and if two or three able tutors opened the university free from an expensive organisation it would offer advantages which would be gratefully accepted by the province. A favourable change has taken place in the feeling of the colony. In civilising the Indians, it is necessary first to build houses for them and supply them with provisions while they are clearing. The expense may be made up by reducing the presents. The saving effected by not permitting presents to be delivered after a certain date. Finds he has spoken too strongly respecting the missionaries sent by the Society for the Propagation of the Gospel, but the class sent is proof of great ignorance of the state of the province. Calls attention to the time of excitement when the last legislature was elected as a reason for the state of affairs, shown by the journals of the Assembly. Page 79

November 3, R. H. Cox to Hay. Recommends for employment Josias Elliot whom he had known in better days. 173

November 8, Doyle to the same. Sends copy of the proposed charter of the "General Mining Company," also the "Shubenacadie Canal" charter; asks for a speedy decision on points noted, so as to have the charter printed and sent by private hand to be in time for this session. 181

November 12, Fox to the same. Encloses letter from Archibald, who, no doubt, will be Attorney General if the appointment rests with Maitland. Has sent the letter to him as he does not know Murray. 189

*Enclosed.* Archibald to Fox. Returned a few days ago from the contested election, in the county of Halifax, where he was successful in bringing in his friends there, who are returned to the House in the directions. Death of the Attorney General. Will not call on Maitland about the succession till after the funeral. Asks that his name may be mentioned to the Colonial Secretary, as any appointment must be confirmed in England. 190

November 13, Aylmer to Hay. Can get no canvas backed ducks in Canada for the Zoological Society. Is told they are common in the United States. Can send him no information on the country that would be interesting, but is impressed with its almost boundless resources. 70

November 22, Bainbridge to the same. Asks for three copies of correspondence with the United States Minister, lately published. 168

December 3, Villiers to the same. Is concerned at the non delivery of a long letter addressed to him (Hay) on the British right of fishing on the French shore. 311

December 3, The same to the same. His note has been a great relief, as he believed that his letter had been mislaid and his notes would be barely available for another copy. 312

December 4, Kempt to the same. Will call at the Colonial Office on Monday as requested by Goderich. 58

December 5, Richards to the same. Hopes as requested to call at the Colonial Office on Wednesday morning. 237

ate excite-  
ss should be  
nds on the  
s of British  
rty in cash  
wn the St.  
he elections  
ising a uni-  
ormed that  
unt in the  
g's College  
moving the  
ors opened  
ffer advan-  
favourable  
vilising the  
pply them  
be made up  
itting pre-  
spoken too  
he Propag-  
ance of the  
ment when  
of affairs,

Page 79  
osias Elliot  
173  
ter of the  
" charter;  
he charter  
n. 181  
no doubt,  
land. Has  
189

om the con-  
successful in  
ouse in "1  
on Maitl.  
me may be  
ust be con-  
190

ada for the  
States. Can  
resting, but  
70

espondence  
168

e of a long  
ing on the  
311

he believed  
y available  
312

Monday as  
58

he Colonial  
237

## SESSIONAL PAPER No. 8c

1830.  
December 8,

Richards to Hay. In respect to the West Indies, the negotiations with the United States are as favourable to that country as they could be made. The interest of Great Britain in regard to manufactures for the colonies. The state of those in North America is one of rapid advancement. In 1829 alone, 5,000 vessels and 31,000 men cleared at their custom houses exclusive of Newfoundland and Cape Breton where the number of fishermen is enormous. Of their great importance the United States were not aware till Cambreling unfolded it to them, since then they have shown great activity in regard to the West Indies and in as far as they can check the rising navigation of the provinces they will be the gainers. The gain they would be to the United States; if they cannot obtain them their next step would be to weaken them. List of imports of the United States which will not take off the duty so much as McLane holds out. The West India planter should get bread as cheap as it can be had and if Canada cannot furnish on these terms it should be got elsewhere. Canada is clearing land with the object in view of so supplying the planter, but on other productions the colonies have a right to a preference if not a monopoly by duties such as the United States have imposed, Massachusetts had only its produce of fisheries and forests as a capital, but now it is the wealthiest state in the Union. The desirableness of rivetting the affections of the colonies on Great Britain. They already complain that they are not thought of till they make a weight in the opposite scale to the United States. If the trade to the West Indies is completely thrown open the United States would engross the whole in six months and many would move from the colonies to the United States; three voyages can be made from New York to two from Halifax and four from Wilmington to two from Halifax, other details in a postscript.

December 10,  
Treasury.

December 13,  
York.

December 16,  
North House.

December 24,  
The Hague.

Spring Rice to the same. Asks for information relating to the proposals for and progress of the canals in Canada to be added to the Treasury information and laid before Parliament.

Robinson to the same. Sends remarks on the question of the proposed relinquishment of the duties under 14 George 3 cap. 88.

Enclosed. Remarks on the subject in very minute detail.

Richards to Hay. Sends further observations on the trade between the North American provinces and the West Indies.

Sir Howard Douglas to the same. Finds that New Brunswick has been notified of the civil list being withdrawn from the Parliamentary estimate and to be paid out of the timber fund. The balance of that fund is only £583,767 so that they would be aground before ten years. The impolicy of saving a few pounds at the risk of cutting adrift the colony. The doubtfulness of the fund and the effect that opening the West India trade may have on it. If the duty on Baltic timber is reduced that means ruin to the North American colonies and the first effect will be government being thrown prostrate at the will of the Assembly. The policy is cutting the colonies adrift when most wanted by Great Britain, and the redundant population will be forced elsewhere. Until an arrangement can be made with the legislature the grant from Parliament cannot with safety be refused. If it is he must ask to be released from a post in which he sees dissatisfaction, disaffection and ruin.

December 29,  
Oxford.

No date.

Charles Douglas to Hay. Tudhope is not the person at whose request his application was sent. Lesmahago is not a parish very full of manufacturing establishments, but the inclination for emigration is very strong in that part of the country.

"Observations on the policy of the proposed measure of the North American colonies paying that portion of their civil establishments

63 VICTORIA, A. 1900

1830.

"now defrayed by the mother country." The observations are entirely opposed to the policy which, it is held, would have a prejudicial effect.

Page 59

No date.

Buchanan to Hay. Sends an interesting report and calls attention to page 10. 159

Miss Edgeworth to the same. Thanks for forwarding letters to Canada. Asks that letters may be franked direct as if sent in the Governor's bag, they go to York and are charged with postage to their destination. The last package so sent was charged 9s. 11d. from York. 183

Forster to Murray. Asks for an interview to state some circumstances relative to the affairs of the late Lieut.-Col. Hugh Lumley. 186

Westmoreland to Hay. Wishes to send regimentals to his son. How should they be packed? 314

## PUBLIC OFFICES AND MISCELLANEOUS, 1830.

(Part 1 is paged from 1 to 245; part 2 from page 246 to page 501; part 3 from page 502 to 691.)

## Q. 196—1—2—3.

1829.

June 10,  
Quebec.

Kempt to the Dean of Carlisle. Enclosed in Mills to Hay, 16th February, 1830.

June 30,  
Quebec.

Lord Bishop of Quebec to Mills. Enclosed in Mills to —, 23rd January, 1830.

June 30,  
Quebec.

Report of the meeting of the deputation to present an Address to Rev. Dr. Mills with copy of the address and answer. Page 344

August 17,  
Quebec.

Yorke to Bouchette. Enclosed in Bouchette to Murray. 2nd January, 1830.

Octobre 16,  
Quebec.

Couper to Routh. Enclosed in Stewart to Hay. 11th January, 1830.

October 20,  
Quebec.

Routh to Stewart.

November 17,  
Quebec.

The same to Couper. Both enclosed in Stewart to Hay. 11th January, 1830.

November 17,  
Quebec.

Stayner. Note of reasons for recommending rations to settlers on the mail route to New Brunswick. Enclosed in Stewart to Hay, 29th March, 1830.

November 18,  
Quebec.

Kempt to Stewart. Enclosed in Stewart to Hay. 11th January, 1830.

November 27,  
Quebec.

Stayner to Couper.

November 29,  
Quebec.

Routh to Couper.

December 1,  
Quebec.

Elliot to Couper.

December 8,  
Quebec.

Couper to Commissary general.

December 12,  
Quebec.

Routh to Stewart. This and four preceding enclosed in Stewart to Hay, 29th March, 1830.

December 31,  
Rideau Canal.

By to Mann. Enclosed in Byham to Hay, 8th March, 1830.

1830  
January 2,  
London.

Bouchette to Murray. Had been, he believed, assured of public support for the map he was preparing, so that he might make arrangements. That hope, however, was not realized. Feels that the eventual success of the work depends on the liberality with which it may be countenanced. 200  
Enclosed. Yorke to Bouchette. Kempt grants him leave to go to London to superintend the publication of his map. On his sending certificate of the publication of the map and invoice of the number for the province, a warrant shall be issued for the payment of the 500 guineas voted as a subscription. 203

January 5,  
London.

Indian chiefs to Colonial Secretary. They have come at the solicitation of their tribe which is too poor to pay their expenses, so they must rely on the Government for their subsistence and return. 672

entirely  
ial effect.

Page 59

ention to

159

a to Can-

ne Gover-

their desti-

ork. 183

stances

186

on. How

314

01; part

6th Feb-

—, 23rd

s to Rev.

Page 344

January,

ry, 1830.

January,

rs on the

ay, 29th

ary, 1830.

stewart to

public sup-

gements.

success of

anced. 200

to go to

adding cer-

for the

0 guineas

203

e sollicita-

they must

672

## SESSIONAL PAPER No. 8c

1830.

January 7,

Lloyd's.

January 7,

Foreign Office

January 11,

London.

January 11,

Treasury.

January 13,

London.

January 13,

Hudson's Bay

House.

January 14,

London.

January 16,

London.

Thompson (chairman) to Murray. Transmits deposition (previously copied in vol. 192) of Mearns, master of the *Middlesex*, respecting men seen on the Island of Anticosti, suspected to be concealed for the purpose of robbery on shipwrecked vessels. Page 470

Tiarks to Hay. The Indians of Sault St. Louis having stated that he was a person with whom they were acquainted, relates the circumstances by which he knew the priest Marcoux, when engaged in astronomical observations. He had done for him and would do for them what he could with the approbation of Government. He knows nothing of their claim except from their papers. 471

*Enclosed.* Marcoux to Tiarks (in French). Introduces Indian chiefs from Sault St. Louis. 473

Indian chiefs to Colonial Secretary. Ask for an interview to present petition from their tribe. 673

Stewart to Hay. Transmits letters from Kempt and Routh with enclosures on the subject of presents for the Indians and asks for Murray's opinion thereon. 59

*Enclosed.* Kempt to Stewart. In consequence of complaints of the inconvenience to which the Indians are exposed from the irregularity in the arrival of their presents had directed the Commissary General to make an estimate of the quantity necessary to keep the supply for one year in advance in store, a measure he earnestly recommends. Transmits new report and memo. from the Commissary General. Has no doubt the Lords of the Treasury will concur in his opinion as to the propriety of keeping a supply in advance. 60

Routh to Couper. Sends a memorandum respecting Indian presents which should accompany the requisition so that nothing should be sent but what is stated in it, as there are articles in store sufficient for a number of years (list given, the years being stated opposite each article). 63

Memorandum showing articles which will complete the Indian presents for 1830 and 1831. 65

Couper to Routh. He is to write to the Treasury calling attention to the delay in receiving the Indian presents and the inconvenience thus arising as the Indians assemble at different points of delivery at stated periods. He should also suggest to the Treasury the expediency of keeping a proportion of stores in the country. 67

Routh to Stewart. Submits a letter for the consideration of the Treasury conveying a request for the earlier shipment of Indian presents. 69

Thaddeus Osgood to Murray. Asks that the enclosed petition may be forwarded to the King and that he may have an interview on the arrival of West. 367

*Enclosed.* Petition to the King for assistance towards erecting a building for the storage of Bibles, elementary books and clothing for Indians and emigrants; asks for an interview to explain his plans for the improvement of the condition of Indians, emigrants and sailors. 368

Pelly to Hay. Simpson is at present in Scotland and will not return till the end of the month. Immediate word shall be sent of his return. He (Pelly) will call on Murray at any hour he may wish to see him. 142

Bouchette to Hay. Sends paper containing project for the growth of hemp in Canada, somewhat modified from a previous project. 205

*Enclosed.* "A brief inquiry into the probable causes that have counteracted the attempts hitherto made to introduce the cultivation of hemp in Lower Canada and observations on the most effectual means by which its cultivation might be encouraged in the British North American Colonies generally." 208

View of the average expenses of a sub-agent establishment. 221

Thaddeus Osgood to Murray. Sends volume which explains the work he did for the Educational Society of Canada, whose employment he has

63 VICTORIA, A. 1900

1830.

now left and is agent for the Bible, Tract and Sunday School union. Offers his services to the government to superintend and provide work for emigrants.

Page 371

January 17,  
London.

Bouchette to Hay. Regrets that there are no funds from which even a temporary issue could be made. His arduous task of years collecting information for the book which is of importance not to the colony only but to the empire, makes it appear but justice that he should publish, although perhaps on a diminished scale of expense, the topographical work contemplated by the act of the colonial legislature.

222

January 20,  
London.

Tiarks to the same. Has communicated to the Indians what Murray desired them to know. They see the propriety of incurring as little expense as possible and wish to return to their families without unnecessary delay, they being but indifferently provided for. The chiefs are flattered by their reception and have perfect reliance that Murray will do what he can for their tribes. If Murray can do nothing without reference to the provincial government, they wish for a paper to show that they had executed their commission; arrangements for their voyage from London, which please them, but they point out the necessity of arranging for the journey from New York to Canada for which thirty Spanish dollars might be paid them at New York; The Indians express gratitude for their reception. The Iroquois ask for a bell for their church. They fear that the actions of the Attorney General may lead to the defeat of their title to the seignior long recognised as theirs. Does not know anything of this claim but he sees that Marcoux shares the views of the Indians.

476

January 22,  
Whitehall.

Phillips to the same. In reference to the convicts of whom a return was sent by Kempt the superintendent of convicts at Bermuda has been directed to receive them on board the *Antelope*.

23

January 22,  
Ordnance.

Byham to the same. The Board of Ordnance has received information that the officers of the department at Quebec had paid £1,000 sterling for land bought from Dr. Munro. The information sent previously was that the sum to be paid was £1,000 Halifax currency. Asks for Murray's pleasure on the matter.

38

January 23,  
London.

Mills to ———. In reference to conversation held in August, transmits letter from the Lord Bishop of Quebec, relative to the division of the diocese. Shall be glad to hear if any method has been found of removing the difficulty with respect to funds not from personal interest but from a conviction of the importance of the measure. Sends testimonials not from vanity but from a desire that his claims to advancement in the Canadian church, may be known at the Colonial Office. Cannot add to the testimony of Archdeacon Mountain's merits which are sufficiently acknowledged.

309

Enclosed. Lord Bishop of Quebec to Mills. Gives him instructions and authority to carry into effect the arrangement for the division of the diocese.

311

January 29,  
Paris.

Stuart to Hay. His statement respecting Rousseau is confirmed, but is unable to give a copy of the report, it having been sent through the Duke de Laval.

449

Enclosed. Le Mauny to the British Ambassador in Paris (in French). Has received letter respecting papers among the Archives in Paris relating to Canada and sends extract from the reply of the Keeper of Archives at Versailles.

450

Extract from a letter from the chief of the archives of the Marine at Versailles.

452

January 30,  
London.

Tiarks to Hay. The Indians sail for New York in the *Corinthian*. Has advanced them £10. The amounts they are to receive in New York and Canada.

480



pol union.  
vide work  
Page 371  
which even  
collecting  
only only  
publish,  
graphical  
222  
t Murray  
little ex-  
unneces-  
chiefs are  
rray will  
without  
r to show  
for their  
necessity  
ch thirty  
s express  
for their  
y lead to  
rs. Does  
shares the  
476  
a return  
ada has  
23  
ormation  
sterling  
ously was  
Murray's  
38  
st, trans-  
vision of  
found of  
l interest  
ada testi-  
advance-  
al Office.  
its which  
309  
structions  
vision of  
311  
med, but  
ough the  
449  
French).  
in Paris  
eeper of  
450  
arine at  
452  
orinthian.  
in New  
480

## SESSIONAL PAPER No. 8c

1830.

January 30,  
Treasury.

Dawson to Hay. The propriety of paying certain officers of customs out of the same fund as the other salaries were paid. It was not the intention of the Treasury that an increase of salary caused by an increase of trade should be borne by the Crown and they concur with the commissioners of customs in the principle on which the salaries of the Colonial customs officers should be paid by the colony. Page 70

*Enclosed.* Report of the commissioner of customs on the salaries of the Colonial officers. 73

February 3,  
Portsmouth.

Munro to the Under Secretary for the Colonies. Asks what determination had been come to respecting his claim for losses at Drummond Island. 319

February 6,  
Downing  
Street.

Stansbury to the same. Applies for information respecting a grant in Florida, made to Capt. Alexander Poittier. 453

February 6,  
Army Medical  
Department.

McGrigor to Hay. Submits application from staff surgeon Munro for loss of property when Drummond Island was transferred to the United States. 174

February 10,  
London.

Bouchette to ——. Is happy to find that encouragement is to be given to the cultivation of hemp. The good quality of the Lower Canadian hemp can be proved from vouchers respecting samples forwarded to the Society of Arts and Sciences. The superior agricultural quality of Upper Canada over Lower Canada in many respects does not extend to the culture of hemp, the soil and climate of Lower Canada being in this respect considered as superior to those of Upper Canada. The adoption of this project can only be secured by measures calculated to remove ignorance in the preparation of the article for the market. His anxiety at the profound silence of Murray respecting the proposal to lay the map before him. His faithful services; the regret he would feel should he have unintentionally given offence. As a colonist in the mother country, he feels how much depends on the patronage of the colonial minister; reasons for and against the prosecution of the publication for the success of which he can only look up to the liberal countenance of His Majesty's government. Asks that his sentiments may be conveyed to Murray. 224

February 10,  
London.

Bouchette to Hay. Edward Ellice will advance the 500 guineas voted by the provincial legislature if Murray would give a simple note that the amount would be secured to him and paid when the work comes out. 229

February 10,  
London.

Mills to the same. Has drawn up in a memorial a statement of all the proceedings connected with his claim, the part repeated being done in compliance with his (Hay's) wishes to bring everything at one view, before the Colonial Secretary. The hardship of his case, the discharge of his claims being postponed to those of others. Hopes that his just claims will not only be acknowledged but satisfied. 321

*Enclosed.* Memorial stating at great length the grounds on which his claim to salary as secretary to the Royal Institution for the advancement of learning is founded. 324

February 15,  
London.

Gould to Murray. Sends two Montreal newspapers in which the West Indian and United States question is debated. In the paper of the 14th January is a clever article from Neilson assuming positions which could hardly be expected from him. Having acknowledged the value of the connection with the mother country, he might acknowledge she was entitled to respect. 281

February 16,  
London.

Mills to Hay. Calls attention to a petition from the Royal Institution for the advancement of learning for the erection of a college in terms of McGill's will. They have obtained possession of the Burnside estate, but the executors refuse to pay the legacy till a college is erected. Has any application been made for the extension of the charter of McGill College? 338



63 VICTORIA, A. 1900

1830.

- Enclosed.* Kempt to the Dean of Carlisle. Testimonial in favour of the Rev. Dr. Mills, chaplain to the forces &c. Page 341
- February 20, Stewart to Hay. The explanation given by Kempt as to the travelling expenses of officers of the Indian department is to a certain extent satisfactory, but although entitled to the expense of conveyance they are not entitled to personal allowance. Some of the officers, in fact are not entitled even to the expense of conveyance having been only retained with a view to performing their duties without additional expense. Kempt to be called on for a further report. 80
- February 24, Pelly to Murray. Simpson will leave London on the 4th March to proceed to the Hudson's Bay Territories. If Sir George wishes to see him he might name any day next week as Simpson has married and gone out of town and will not return till Saturday. 143
- February 26, Phillippo to Hay. The prisoners of whom a list was sent by Kempt have been received at Bermuda but two of them are unaccompanied by the proper documents, which Murray is asked to give instructions to be sent. 24
- March 2, Stewart to the same. The Lords of the Treasury agree that one year's supply in advance of Indian presents should be kept in store in Canada. 82
- March 2, Bouchette to the same. From his critical situation urges the payment of his half year's salary as Surveyor General and requests that this may be laid before Murray; the cause being the long delay in the publication. 230
- March 3, Morgan to Colonial Secretary. Has received regulations for granting land. His position in the Post Office, with right to pension, he is willing to give up for a grant of land in Canada. 342
- March 5, Ayton to Murray. Received some papers from the Duke of Hamilton's factor respecting settlers from Arran who had gone to Inverness in Lower Canada. Has left them with Sir Michael Shaw Stewart and John Richardson as he goes to Edinburgh. 185
- March 5, Bouchette to Hay. His gratitude; asks him to support the prayer of the memorial he has been induced to address to Murray. 232
- March 5, *Enclosed.* Memorial from Bouchette, stating his financial difficulties consequent on the delays in the publication of his topographical work and asking that a half year's salary may be advanced him from the Imperial Treasury to be repaid by the province. 233
- March 6, List of subscribers to Bouchette's work on the Canadas. 236
- March 6, Gould to Murray. Sends copies of Montreal papers with articles on the West Indian and United States trade; the demand by the United States for the free navigation of the St. Lawrence and on the article in Blackwood, contending that by treaty the free navigation of the Mississippi is secured to British subjects in Canada. 282
- March 6, Thaddeus Osgood to the same. The encouragement he has received from the communication respecting his petition. Hopes to see the different societies united. 374
- March 6, *Enclosed.* Paper respecting the work of the society for promoting education and industry among the Indians and destitute settlers in Canada containing an appeal for help. 376
- March 8, Byham to Hay. Reminds him of Murray's approval of the proposed holding out of rewards of a grant of land to sappers and miners on the Rideau Canal who conducted themselves as good and faithful soldiers. Sends letter from the officer commanding the Royal Engineers in Canada on the results of the measure. 39
- March 8, *Enclosed.* By to Maun. Reports the good results of the promised reward to well conducted sappers and miners on the Rideau Canal. 40

avour of  
Page 341  
e travel-  
n extent  
nce they  
fact are  
retained  
expense.  
80  
arch to  
s to see  
ried and  
143  
Kempt  
anied by  
ns to be  
24  
hat one  
store in  
82  
payment  
his may  
publica-  
230  
granting  
is will-  
342  
Hamil-  
verness  
art and  
185  
ayer of  
232  
culties  
l work  
the Im-  
233  
236  
icles on  
United  
icle in  
Missis-  
282  
ceived  
the dif-  
374  
moting  
lers in  
376  
posed  
on the  
oldiers.  
Canada  
39  
omised  
l. 40

## SESSIONAL PAPER No. 80

1830.  
March 11,  
Six Mile  
Bridge. James O'Halloran to Colonial Secretary. Asks that his appeal may be forwarded to Lower Canada so that his son may be advertised for. Page 382
- March 12,  
Customhouse. E. Stewart to Hay. Introduces Ferrier the new Collector of Customs at Quebec. 175
- March 17,  
Treasury. Stewart to the same. On the recommendation of Murray, the Solicitor of the Treasury has been authorised to charge against it the expenses incurred by the Royal Institution in defence of an appeal before the Privy Council. 83
- March 18,  
Navy Office. Navy Board to the same. Anne Dermot and her seven children can have a passage to Quebec on board the "Cicero" and may embark at Deptford about the 31st. 35
- March 18,  
London. Major Johnson to Murray. Has heard of the death of his father Sir John Johnson and applies for some act of His Majesty's bounty to his family who had been entirely dependent on their father. Applies to succeed to his late father's office. 300
- Enclosed. Petition (undated) from the late Sir John Johnson, stating his services and losses and asking that his son Major Johnson may succeed to his office. 303
- March 20,  
London. Ferrier to Hay. Thanks for the letter to Sir James Kempt. Asks that report on Canada No. 569—28th July, 1828, be sent or information given where he can obtain it. 274
- March 20,  
Listowell. Fitzmaurice to Murray. The death of Lieut. Ulysses Fitzmaurice reported in Canada. As a property depended on his life asks for the necessary information, and if he was on half pay. 275
- March 22,  
London. Thaddeus Osgood to the same. Asks for an answer, any token of kindness would be useful, when he has been unjustly treated through the public papers. Hopes the object of the Union building may be accomplished. 383
- Enclosed. Appeal, testimonials, &c., certifying the good character of Osgood. 384 to 408
- March 25,  
Quebec. Copy of the protest in the Legislative Council against the supply bill. 247
- March 26,  
Treasury. Stewart to Hay. As the Indian presents have not yet been sent, the Lords of the Treasury have directed the Board of Ordnance to ship only half of the quantity required for 1830 and 1831, to be used for the service of the present year. 84
- March 29,  
Treasury. Same to the same. Sends correspondence respecting rations of flour to settlers on the road between Halifax and Quebec to keep it open for the mails. If the rations continue are they to be charged to the commissariat or the post office? The officer in command of the troops in Canada is to report to how many settlers rations are to be allowed, as they were to be strictly limited to the number that would be necessary to accommodate the carriers. 85
- Enclosed. Routh to Stewart. Doubts the expediency of trying to keep open the roads by means of rations to pensioners, differing in opinion on this point with the deputy postmaster general. However, he thinks the matter may be left to the test of experience. 87
- Note by Stayner, deputy postmaster general, on the reasons for recommending the establishment of certain families on the mail route to New Brunswick. 91
- Routh gives the revenues of the post office, and repeats his objection to the further expense of rations to settlers on the mail route to Halifax. 97
- Couper to the Commissary general. Sends remarks of the deputy postmaster general on his letter of the 23rd November relating to the supply of flour to the settlers on the Grand Portage. 101

63 VICTORIA, A. 1900

1830.

Stayner to Couper. Detailed answer to Re-<sup>th</sup>, which would have been unnecessary had the commander-in-chief the decision. Page 103

Elliot to Couper. Reports the bad state of the pensioners on the portage road. Agrees with Stayner as to the assistance they render in keeping the road in order and recommends that the rations be given in flour. 109

March 29,  
London.

Certificate signed by Thomas Barrow and Louis Bennet of the honesty and industry of Honoré Blanc, who has taken passage for himself and wife to Quebec where he expects to follow his business of hair dresser. 197

March 30,  
London.

Baron de Cotte to Murray (in French). Sends papers to Gale and to Gillespie, Moffatt & Co. to be sent with government dispatches, they being too important to be sent by the ordinary mail, as they relate to claims by subjects of the King of Bavaria. 246

April 5,  
Foreign office.

Backhouse to Hay. Transmits a bill sent by Vaughan, introduced into the Congress at Washington for the permanent settlement, west of the Mississippi, of the Indians in the United States. 16

*Enclosed.* Extract from Vaughan's dispatch on the action of the Congress at Washington in respect to the Indians. 17

Copy of the bill for the removal of the Indians and for their permanent settlement west of the Mississippi. 18

April 6,  
London.

Address of the House of Commons for a return of the conditions on which lands are granted in the colonies of British North America, New South Wales and Van Dieman's Land. 1

April 20,  
London.

Lumley to Hay. Applies for information respecting the estate of John Campbell, shipbuilder, Quebec, who died intestate in 1812. 308

April 21,  
London.

Stephens to the same. Researches required respecting lands bought by Lord Dunmore in Virginia. 454

April 24,  
Enniskillen.

W. Dane to Murray. Reminds him that he was one of the soldiers discharged without a pension after eighteen years' service, and that he received a letter for the Governor of Canada, as he intended going there, but circumstances prevented him. Asks that his son David Dane, who is going to Quebec, may receive such a letter as will obtain him employment in the King's works or elsewhere. 270

April 26,  
Bramham.

Radcliffe to the Colonial Secretary. Points out the emigration to the United States of families with money, and urges that this should be directed to Canada. 447

April 27,  
Quebec.

Memorial of Robert Christie on his being deprived of his offices of Chairman of the Quarter Sessions and Police Magistrate of Quebec. 254

April 27,  
Glin.

Memorial by the representatives of Denis Sullivan, for assistance to secure the property left by him in Baltimore, United States. 455

April 30,  
Enfield.

Forbes to Murray. Calls attention to the disallowance of his salary as Lieut. Governor of Gaspé by the Assembly of Lower Canada, and the assurance by Lord Bathurst that it would be paid from private funds of the Crown, if disallowed by the legislature. 276

April 30,  
London.

Gould, Dowie & Co. to the same. Transmit memorial from the Quebec Board of Trade respecting the distinction between flour, meal, rice and Indian corn when warehoused in British North America, that the Act may be amended so that the West Indies may be supplied through the North American colonies. 283

*Enclosed.* The memorial. 285

May 7,  
Whitehall.

Phillipps to Hay. Leave has been given to Stephen to inspect the papers respecting lands purchased by Lord Dunmore for the Indians in Virginia in 1773 and 1775. (Stephens elsewhere.) 25

May 9,  
Reigate.

Greece to the same. Is a son of the late J. W. Greece a petitioner for redress in respect to encroachments on his land by canal construction in Lower Canada. Desires to send three brothers to Canada and asks for passages for all or any of them. 289

ould have  
Page 103  
rs on the  
ender in  
given in  
109  
e honesty  
nself and  
r dresser.  
197  
le and to  
es, they  
relate to  
246  
roduced  
, west of  
16  
the Con-  
17  
ermanent  
18  
itions on  
ica, New  
1  
estate of  
308  
s bought  
454  
soldiers  
d that he  
ng there,  
ane, who  
employ-  
270  
on to the  
ould be  
447  
offices of  
bec. 254  
stance to  
455  
is salary  
and the  
funds of  
276  
e Quebec  
rice and  
the Act  
ugh the  
283  
285  
pect the  
adians in  
25  
oner for  
struction  
and asks  
289

## SESSIONAL PAPER No. 8c

	1830.		
	May 11, Solva.	Mary Sunfield to Colonial Secretary. Respecting the heirs of John Bevan who settled in Rhode Island about 50 or 60 years ago. Page 458	
	May 14, Treasury.	Stewart to Hay. Sends extract from report of the comptroller of army accounts, relative to the expenses of McKay to Penetanguishene for such direction as Murray may think necessary, and also that he may state if all the officials who were at Drummond Island are necessary at Penetanguishene.	114
		Extract from report of the Comptroller of army accounts recommending that McKay should be directed to refund the travelling expenses charged for his journey to Penetanguishene.	115
	May 18, Montreal.	Plenderleath to Murray. Sends his reasons for encouraging Protestant emigration to counteract the efforts of the Roman Catholics to settle Lower Canada with their co-religionists.	417
	May 20, Glin.	Extract from Memoires de Sieur de C— Further memorial respecting the property left by Denis Sullivan.	425
		Enclosed. Grounds of the claim of the brother and sisters of Denis Sullivan.	460
	May 21, London.	Thomas Clark to Murray. Remarks on the bill for regulating the judiciary in the provinces pointing out the inefficiency of the provisions.	462
	June 1, London.	Memorial of Merchants and others to the same. The present mail service between Falmouth and Halifax, &c., is totally inadequate to maintain the increased intercourse and the uncertainty has greatly diminished the number of passengers and letters, the passages by private vessels being much more speedy. The uncertainty and delay of sailing vessels induces the memorialists to submit the propriety of substituting steam vessels. The value political and commercial of steam navigation and the improvements introduced into the machinery, &c.	259
	June 3, Edinburgh.	Memorial of Rev. Dr. Mills for a grant of land.	674
	June 3, Edinburgh.	Mills to Hay. Private note respecting his money claim with which his petition for land has nothing to do.	349
	June 3, London.	The same to the same. Renews his application for payment of his claims, as he understands that the sum of £2,000 has been put in the hands of the Receiver general by his predecessor and that it is entirely disposable. Has waited eleven years for remuneration for his laborious services which have been passed over in favour of others. The approaching solvency of the Jesuit estates and the Land and Timber fund. His claim might be met by instalments.	351
	June 3, London.	Teynhan to—. Calls attention to the peculiar situation of the colonies for which decided measures must be taken or their separation from the Empire will take place. If hostile then farewell to Great Britain's maritime supremacy. The evils caused by political party squabbles. The objects of United States ambition to possess the Mexican province of Texas, Cuba, the Canadas, &c. None of their politicians have calculated the result of the success of these measures. Description of Texas. The mischief caused by the miserable temporizing policy of Liverpool. Proposes an alliance with Mexico, whose independence if acknowledged by Spain would secure Cuba and Porto Rico and enable her to take Portugal. The British ambassador at Washington an old woman.	553
	June 5, Whitehall.	Phillipps to Hay. Orders will be sent to receive at Bermuda the prisoner noted in Kempt's letter. The order for the prisoner's commutation should have the words: "to such place as His Majesty may be pleased to direct" and not to Bermuda which is only a place for temporary employment.	481
			26

63 VICTORIA, A. 1900

1830.  
June 5,  
London.

Allen to Murray. Asks for an interview to give some communications respecting Canada. If the time fixed should be after one o'clock he would bring with him W. Forster. Page 186

June 7,  
London.

Address of the House of Commons for extracts from the answers of the Governors of Upper and Lower Canada relative to the state of Executive and Legislative Councils. 2

June 8,  
Customhouse.  
June 24,  
Admiralty.

Whitmore to Hay. Measures will be taken to learn of the arrival of the *Roxby* from Quebec and will send word. 176

June 24,  
London.

Croker to the same. Commodore Barrie who sails from Liverpool to Montreal in the brig "Niagara," offers to carry dispatches to Quebec. 7

Wellesley to Murray. Asks that Stephens may have leave to inspect documents in the Privy Council relating to the rights of settlers, as he hopes to find precedents for purchases from the Indians without obtaining the approbation of the Crown. 610

June 28,  
Ordnance.

Byham to Hay. Sends estimated cost of magazines at Quebec which is approved of on the report of the General and commissary general. The work of building may probably begin in the ensuing year. 41

June 28,  
London.

Freeling to the same. Sends account of passages for the years ending 5th January, 1829, and 5th January, 1830; account of postages for the same periods. Cannot give the amount for passengers that being under the Admiralty. 177

*Enclosed.* Tabulated account of the passages. 178

Account of postages between Great Britain and British North America. 179

June 30,  
London.

Address of the House of Commons for copy of the Address from the Assembly of Lower Canada on the subject of lands held or claimed by the Seminary in Lower Canada. 3

July 12,  
London.

Address from the House of Lords for copies or extracts of communications between the Colonial Office and the Governors of Upper and Lower Canada on the Civil Government of Canada and the state of the Executive and Legislative Councils between January, 1828 and January, 1830. 4

Order of the House of Lords that the Order of 9th July, be discharged. 5

July 14,  
London.

Memorial of Mrs. Tierney stating her husband's services and his dismissal and praying for relief. 487

July 14,  
Sherbrooke.

July 16,  
Treasury.

Stewart to Hay. Calls attention to order appointing Malo to be missionary to the Indian department at Restigouche in room of Fanshawe. Should such vacancies not be reported before appointment, to give opportunity for retrenchment? 117

July 17,  
Highwood  
Hill.

Wilberforce to Murray. Finds that the name of William Allen is among those of supporters of charitable institutions in the United States. 611

July 18,  
Treasury.

Stewart to Hay. The application of George Smith for a pension cannot be granted, there not being sufficient ground for it. 118

July 20,  
Treasury.

Same to the same. Refers to the letter respecting payment of travelling expenses to McKay to which no answer has been returned. A similar payment to McKay has since been made. 119

July 20,  
London.

Allen to Murray. Calls attention to enclosed memorial from free people of colour in the United States, who if allowed to settle on Crown Lands, would strengthen the boundary on that side. 187

*Enclosed.* "Case of free people of colour from Ohio in the United States of North America, who have emigrated and are emigrating to the British possessions in Canada." The paper states the laws of which they complain, that some have emigrated to Canada and others are preparing to emigrate. The case further states that if they are treated with kindness and attention, and placed on the same footing as other



communications  
clock he  
Page 186  
answers of  
te of Exe-  
2  
arrival of  
176  
verpool to  
Quebec. 7  
to inspect  
ers, as he  
ut obtain.  
610  
ec which  
y general.  
41  
rs ending  
es for the  
ng under  
177  
178  
h North  
179  
from the  
ained by  
3  
communi-  
pper and  
ate of the  
January,  
4  
scharged,  
5  
d his dis-  
487  
lo to be  
a of Fan-  
tment, to  
117  
Allen is  
e United  
611  
sion can-  
118  
of travel-  
rned. A  
119  
om free  
n Crown  
187  
e United  
rating to  
of which  
are pre-  
e treated  
as other

## SESSIONAL PAPER No. 8c

1880.

- subjects, they will make loyal and faithful citizens and strengthen the colony. Page 188
- July 21, Stewart to Hay. Mitchell's request for the half pay of a surgeon instead of an assistant surgeon cannot be granted, but under the circumstances the Lords of the Treasury authorize the retired allowance to be increased from four shillings to six shillings per day. 120
- July 23, Mrs. Tierney (unsigned) to—. Asking that before presenting the memorial he should read the accompanying pamphlet which would explain it. 494
- Enclosed. Pamphlet, Case of Bartholomew Tierney with correspondence, &c. 502
- July 25, Syder to Murray. Seeing the report that government was inclined to encourage the growth of hemp in Canada, sends his ideas on the subject. Had on his return from Nova Scotia in Pitt's administration addressed him stating the immense tracts available for its growth at small expense, but the long war, the loss of the United States, &c., had prevented attention being then directed to the subject. The measures to be adopted for encouraging the cultivation of hemp. 463
- July 31, Croker to Hay. The "Undaunted," ship of war, has been selected by the Admiralty to convey Aylmer and suite to Quebec. 8
- August 6, McLean to Murray. Had last fall applied for a grant of land for his services in the late war. Not having heard he sends copy of letter. The time for application having expired on the 1st, can only hope his case will be taken up as special and that lot 20 in the 5th range be part of the grant as he has already made improvements on it. 357
- Enclosed. McLean to Murray. States the nature of his claim and that owing to the grant being made in a remote part of Canada, he was unable to fulfil the conditions and the land was regranted, since which time he has had no fresh grant. Asks to be allowed the same privileges as other classes of officers and that the time of application might be extended to 1st August, next year. 358
- August 7, Barrow to Hay. In reference to the proposal to run a line of steamers to Halifax, the Lords of the Admiralty are not prepared to extend the steam packet service beyond the communication with the Mediterranean. 9
- August 7, Report of the law officers of the Crown on the question whether the ordinances of the governors of Quebec of the 27th and 29th George 3rd are, or are not, in force, that the question is so complicated by subsequent legislation that they recommend an appeal should be made to the Privy Council. 27
- August 7, John Denniston, John McNab and James Caird to Murray. They were creditors of Isaac Wilson, of Quebec, against whom judgments were obtained, and the amount levied by Sheriff de Gaspé was the full amount of the debt. De Gaspé became bankrupt, lost his office and absconded leaving no funds. They have been advised to apply to government for relief, the sheriff being an officer of the Crown, and as such the depository of their funds. 272
- August 9, Croker to Hay. Has received the amended list of Aylmer's suite. The "Undaunted" being required on other service the "Herald" has been appropriated for Aylmer's reception. 10
- August 10, Maxwell to the same. Has received orders to convey Aylmer and suite to Quebec; is he to bring back Kempt? 362
- August 11, Kempt to Bouchette. Enclosed in Bouchette to Hay, 4th October, 1829.
- August 12, Brydie to Murray. Was recommended by Sherbrooke for half pay on account of his services in the Indian department during the war. What certificates are necessary to enable him to make application? 199



63 VICTORIA, A. 1900

1830.  
August 14,  
Ryde. Stephen to Baillie. Elaborate argument that government is not liable for the default of the sheriff in Lower Canada, in answer to a question raised by Denniston and others of Greenock. Page 31
- August 14,  
Charlesbourg. Henry Taylor to Kempt. For the securing the supply of provisions for the West Indies to the North American provinces, proposes that a law pass to put a stop to all direct and indirect foreign trade with the islands. Proposes a plan of reaching the Pacific by a water route through Canada. 597
- August 16,  
Portsmouth. Collector and Comptroller of Customs to Murray. A box said to contain dispatches and addressed to him has been forwarded by mail coach. If not delivered in due time or found to contain combustible or prohibited articles, notice should be sent to the Board of Customs. 180
- August 18,  
Admiralty. *Enclosed.* Receipt for the box. 181
- August 24,  
Bandon. Croker to Hay. After landing Aylmer, the "Herald" will be ordered to afford a passage to Kempt with his family and suite. 11
- August 25,  
London. Hingston to Murray. Asks for the names of the Governor General of Canada and Lieut.-Governor of Upper Canada. 298
- Garry to Murray. In accordance with the charter of the Hudson's Bay Company, sends register of all persons employed by the company in their territories for 1829. 144
- Enclosed.* List— 145
- |                                     |     |
|-------------------------------------|-----|
| Governor . . . . .                  | 1   |
| Chief factors and traders . . . . . | 42  |
| Clerks . . . . .                    | 87  |
| Servants . . . . .                  | 702 |
- 832
- August 26,  
Admiralty. Croker to Twiss. The Lords of the Admiralty have signed a warrant for preparing a patent appointing Aylmer vice admiral of the provinces. 6
- August 26,  
London. Syder to Murray. Further respecting the cultivation of hemp, valuable information of which he could communicate to the new governor in a five minutes interview. 467
- August 30,  
New  
Richmond. Crawford to the same. Had intended to proceed to England with the accompanying petition from the county of Gaspé, but before he could proceed the Assembly had met and a second time expelled Christie, the representative, who was promptly re-elected. The freeholders were about to prepare a further remonstrance to government when the demise of the King caused a dissolution and removed the immediate necessity for such a step. It looks as if the county of Gaspé was to be made an example of for thwarting the views of the Assembly as at the last Assembly no appropriation was made for internal improvements such as every other county received. Thinks it best to forward the petition so that at least it may remain as a memorial in the Colonial office of the sense of the inhabitants of British origin and descent of the treatment they have received from a French Canadian Assembly, when the principles of the constitution and their rights come into collision with the prejudices of that body. 682
- Enclosed.* Petition of the free holders and inhabitants of the county of Gaspé respecting the expulsion from the House of Assembly of Robert Christie. 685
- September 1,  
Lewisham. Mann to Twiss. Is a son of the late Gother Mann, who died intestate. Asks for information as to his landed property in Canada and by what rule should the heirs rank. 363
- September 8,  
Ordnance. Butler to Hay. The Board of Ordnance have had reports from By, superintending the works of the Rideau Canal, under consideration. They point out irregularities in the purchases. How the purchases would be made if under the control of the Board of Ordnance but in a Colonial work the purchase should at least receive the approval of the commander

not liable  
question  
Page 31  
provisions  
s that a  
with the  
through  
597  
d to con-  
oil coach.  
or pro-  
180  
181  
ordered to  
11  
General of  
298  
Hudson's  
company  
144  
145

grant for  
ances, 6  
ap, valu-  
overnor  
467  
with the  
e could  
stie, the  
re about  
mise of  
sity for  
made an  
the last  
such as  
petition  
e of the  
eatment  
inciples  
with the  
682  
county  
Robert  
685  
testate.  
y what  
363  
om By,  
. They  
ould be  
Colonial  
mander

## SESSIONAL PAPER No. 8c

1830.

- September 8,  
Ordnance. of the forces. As the Canal is executed by the Ordnance, the land must in the first place be put in their charge. Asks to what department the conveyances should be made. Further remarks on the purchase from McLean, the leases, &c. Page 43
- September 12,  
Downing  
Street. Butler to Hay. Besides the information of this date respect-  
ing the purchase of lands, reports that the commander of the forces was  
not consulted but only informed afterwards, so that the orders have been  
lost sight of which Colonels Durnford and By will have to explain. The  
Board desire to have communication of the orders to be sent by Murray  
and presume the commander of the forces will require to report on the  
subject to Murray and to take the necessary steps to have the proper  
conveyances made. Correspondence forwarded from Durnford. 49
- September 15,  
Treasury. Goulburn to the same (private). If there are revenues of the Crown  
available in Canada, part of them might be applied to the case of Capt.  
Wilson of the Indian department, reduced in 1816, as he cannot be  
granted half pay, and yet ought to have some relief. 121
- September 20,  
Treasury. Stewart to the same. Asks for copy of Kempt's letter of 12th February,  
1829, on the Canal communication and of the reply of the Colonial  
Office. 123
- October 2,  
Reigate. The same to the same. The memorial of four of the children of Sir  
John Johnson received. Although Sir John may have lost much prop-  
erty, he received a grant of £50,000 and lands in Canada and held for  
years a lucrative office. Neither the revenues of Great Britain nor of  
Canada can be properly charged with expenses for maintaining the  
children not adequately provided for. 124
- October 4,  
London. Memorial from Henry Grece renewing the demand by the late J. W.  
Grece for compensation for encroachments on his land by the construc-  
tion of the Grenville canal. 290
- October 6,  
Quebec. Bouchette to Hay. Sends letter from Kempt, extending his leave of  
absence and regretting, although satisfied with the management of  
his department, that he (Bouchette) cannot be present to afford infor-  
mation to the commissioners, who have been appointed to investigate  
matters connected with granting land, although he knows his son's  
knowledge and competency. Shall receive all orders respecting land  
granting and give all information in his power. Thus the service could  
not suffer from his temporary absence. His map is in so forward a state  
as to require his attendance and critical examination as well as his  
exertions to provide for the expenses. Asks Murray to grant an  
extension of leave. 239
- October 9,  
Brighton. Enclosed. Kempt to Bouchette. Has no objection to his applying to  
the Secretary of State for an extension of his leave of absence. Regrets  
his absence. 243
- October 14,  
Treasury. Wilcocke to Murray. In reference to the apparent approval of the  
formation of a hereditary aristocracy in Lower Canada, sends letters he  
has published on the subject. 613
- October 16,  
Three Rivers. Enclosed. Letters published in the Quebec *Mercury*. 616, 626, 636, 649  
Letters in the Quebec *Gazette*. 665, 668
- October 16,  
Note on Taylor's letter of 14th August. 604

63 VICTORIA, A. 1900

1830.  
October 26,  
Dover. W. S. Plenderleath to Murray. Submits memorial in order to obtain justice in Lower Canada. Page 429
- Enclosed.* Petition by W. S. Plenderleath and his wife, widow of the late Simon McTavish, for relief in the suit before the Court of Appeal, Montreal, judgment in which has been long delayed in consequence of two of the judges being interested in it. 430
- November 3,  
Reigate. Greece to Murray. Thanks for answer to his memorial. It would be ruinous for him to go to Canada to obtain a valuation, one was already obtained; if thought exaggerated it might be referred to the Board of Agriculture or to any other impartial arbitration. 294
- November 4,  
Treasury. Dawson to Hay. The Lords of the Treasury assent to the arrangement approved of by Murray that allowances to the officers of the Indian department should be left to the discretion of the commander of the forces. 126
- November 8,  
Navy Office. Navy Board to Hay. Sends copy of letter from Commodore Barrie on the subject of the appointment of proper officers to accompany him for allotments to be permanently fixed on for the naval establishment at different ports in Canada. 36
- Enclosed.* Barrie to Smith, Secretary. In relation to the subject mentioned in the immediately preceding letter. 37
- November 18,  
Treasury. Dawson to Hay. Transmits copies of a report and enclosures from the Commissioners of audit relative to the security to be required from Hale, Receiver General of Lower Canada. Murray asked to send the necessary authority to Kempt to take measures for obtaining the security. 128
- Enclosed.* Commissioner of Audit to Treasury. Had in answer to a demand, received a certificate of the security furnished by Hale, but as the certificate is of prior date to the writ of Privy Seal, they call attention to it so that inquiry may be made whether further or other security should be demanded. 129
- Hale's answer that he had been holding the office of Receiver General by commission dated 25th November, 1823, when he received the writ dated 4th June, 1829. Before that he had given satisfactory security. Does not believe collateral security to the amount wanted can be got in the country but he holds property to a greater value. Hopes the existing arrangement will be considered sufficient especially as his balances are limited to £10,000. 131
- November 19,  
London. Certificate of the security given by Hale on the 8th August, 1825. 132
- Greenwood Cox & Co. to Gordon. Are prepared to pay the fees on Aymer's commission. 296
- November 22,  
St. James's. Order-in-Council that the reserved bill entitled: "An Act for rendering valid conveyances of lands and other immovable property held in free and common soccage within the province of Lower Canada" shall not be assented to. 12
- A note says: This Order was revoked by an Order of the 11th May, 1831.
- Enclosed.* Reasons for not assenting to the bill. 14
- November 23,  
London. Bouchette to Murray. Desires to present a further illustration for his work on the Canadas. 245
- November 24,  
Ordinance. Byham to Hay. In reference to grants of land to deserving sappers and miners employed on the Rideau Canal, two companies may be dispensed with on 30th June, 1831. Asks that such further orders respecting the grants as may be necessary shall be sent. 52
- November 24,  
Treasury. Stewart to the same. Orders given to send stationery applied for by Kempt. 134

to obtain  
Page 429  
w of the  
Appeal,  
sequence  
430  
ould be  
already  
Board of  
294  
arrange-  
s of the  
ander of  
126  
e Barrie  
any him  
ment at  
36  
subject  
37  
res from  
ed from  
end the  
ing the  
128  
wer to a  
e, but as  
all atten-  
security  
129  
General  
he writ  
ecurity.  
e got in  
pes the  
as his  
131  
325. 132  
ees on  
296  
Act for  
roperty  
Canada"  
12  
th May,  
14  
tion for  
245  
sappers  
y be dis-  
respect-  
52  
d for by  
134

## SESSIONAL PAPER No. 8c

1830.  
December 1, London. Henry Taylor to Hay. Repeats his proposal that an Act of Parliament be passed to prevent direct or indirect trade by foreign vessels with the West Indies. Page 606
- December 2, Treasury. Stewart to the same. In answer to inquiries respecting the purchase of land for the Rideau Canal, the Lords of the Treasury state that there has been some informality by Colonel By but that on the whole he has acted correctly. The land, canal, and works should be given up to the Ordnance who will have the future superintendence. 135
- December 2, Chelsea. Pardey to McGregor. Has in consequence of request from Major Plenderleath drawn up observations on Indian affairs which he submits to him (McGregor) as his superior, being the head of the medical department and desires to know, if the document be approved of, whether it should be sent as departmental or as a private communication. 433
- Enclosed. Observations for the improvement of the Indian tribes in the district of Montreal; their little advance and how improvements could be effected. 435
- December 4, Ordnance. Byham to Hay. Sends drawing and report of progress of the work on the Rideau Canal. 54
- December 4, St. James's. Sir Herbert Taylor to the same. Transmits memorial from Coffin. 608
- December 6, Enfield. Memorial of Forbes to Goderich. The disallowance of his salary as Lieut.-Governor of Gaspé; asks that whilst this is the case it may be paid from the private funds of the Crown. 278
- December 7, Crossmoline. John O'Hara to the Colonial secretary. Inquires respecting the property left by Martin Kelly who emigrated in 1770. 409
- December 9, Ordnance. Byham to Hay. Asks for the return of papers relative to the purchase of land for the Rideau Canal. 55
- December 10, Castleton. Nichol to Goderich. Applies for information as to whether employment could be got as a teacher or clerk in Canada. Had been teaching school. 366
- December 10, Ordnance. Byham to Hay. Returns plan of the line of the Rideau Canal, with the completion to Merrick's Mill marked on the plan. 56
- December 10, London. Thaddeus Osgood to Goderich. Asks for an interview to explain his design of assisting and instructing the poor and labouring classes in Canada. 411
- December 17, Army Medical Board. McGregor to —. Sends paper from Dr. Pardey whose proposal if adopted will effect a great saving. (Pardey elsewhere). 182
- December 18, Petition of Patrick Magrath and his sister for information respecting the money left by their Uncle Thomas Magrath, who settled in New Washington. 364
- December 19, Crossmoline. O'Hara to Goderich. Further respecting Martin Kelly, who emigrated in 1770. 412
- December 27, Grange Mouth. Thomson to Goderich. Proposes a change of duties on colonial wheat and on Baltic timber to encourage the British colonies in North America. 609
- December 27, Treasury. Stewart to Hay. Transmits report from the King's Remembrancer on the subject of Hale's security. He is to execute the same in duplicate one to be sent for recording with the King's Remembrancer. 137
- Enclosed. H. W. Vincent to —. On the question of Hale's security in respect to his office of Receiver General. 138
- December 28, London. Thaddeus Osgood to Hay. Thanks for the notice taken of his communication. As no grant can be expected for emigrants he has been advised to bring forward his plan of aiding the poor of Canada. 413

63 VICTORIA, A. 1900

1830.

December 29,  
Ordnance.

No date.

*Enclosed.* Plan for assisting all in distress.

Page 414

Byham to Hay. The men of the Royal Staff Corps who complete the Grenville Canal and serve well for three years are to be allowed a free discharge and a portion of land at the expiration of the period. This is communicated for the information of Goderich, who is asked to issue the necessary directions.

57

Lemon to Mayer. Has not yet finished his search among the state papers relative to the lands in Virginia but has found enough to show that the British Government so far from sanctioning the grant by the Indians disavowed and reprobated it.

183

Same to the same. Can find no trace of the second grant by the Indians said to have been made on 18th October, 1775. This must be a mistake so far as Lord Dunmore is concerned as at that time he had been driven out of the country.

184

Memorandum of Gales' expenses.

297

GOV. LORD AYLMEY, 1831.

(Part I is paged from 1 to 182, part II from 183 to page 350.)

Q. 197-1-2.

1831.  
January 1,  
Quebec.

Aylmer to Goderich (separate). Sends list of dispatches to the Colonial office during 1830.

Page 1

*Enclosed.* List of dispatches.

2

January 8,  
Quebec.

Aylmer to Goderich (No. 1). Transmits by New York mail memorial from gentlemen engaged in the lumber trade. Prays His Lordship to protect the interests of the memorialists.

18

*Enclosed.* Price to Aylmer. Requests that His Lordship would urge the Ministry not to change the duties on lumber suddenly, if the change has been decided on, as that would bring about wide spread ruin, but to postpone the change for five or at least three years, to give the lumbermen an opportunity to realise some part of their property.

20

January 11,  
Quebec.

Aylmer to Goderich (No. 2). Transmits communication from gentlemen engaged in the lumber trade that they have appointed Bliss their commercial agent and ask that he be accredited as such at the Colonial office.

22

*Enclosed.* Communication from the lumber merchants.

23

January 13,  
Quebec.

Aylmer to Goderich (No. 3). Sends requisition for Indian presents.

24

*Enclosed.* Requisition.

25

January 17,  
Quebec.

Aylmer to Goderich (private). His gratification at being enabled to hold confidential communications with His Lordship and for the counsel to open friendly communications with leading popular characters, of course he had anticipated with some prospect of success. Has tried to produce the belief in his entire impartiality, but must wait patiently for the effects of this. At first entertained the belief that the opposition to the government in the Assembly arose from the desire to sever the connection, but is more and more convinced, on investigation, that Canadians of all descriptions cling with the strongest feeling to their connection with the Mother Country, and the Canadians of French origin would be acted on with peculiar force by the idea of a severance, as they dread the predominance of a British population and are hostile to all connec-



## SESSIONAL PAPER No. 8c

1891.

- January 18, 1891.  
Quebec.  
tion with the United States. Urges the policy of conciliating the good will of the Canadians by indulging their preference for the laws and institutions of French origin, and this is the more necessary as what is called the English party is constantly proclaiming that it is the settled purpose of Great Britain to do away with these. A good instance of the attachment of the French Canadians to their own laws is the fact that in no one instance has a French Canadian availed himself of the permission to change the tenure of his lands from seigniorial to that of free and common socage. Page 28
- Aylmer to Hay (private). Is as yet unable to recommend persons to form the extension to the Legislative Council from his imperfect knowledge, but he entirely agrees to the policy of extending that branch of the legislature. Until the provincial parliament assemblies, which will be in a few days, it will be impossible to form a correct notion of its temper. About six weeks ago some of the leaders proposed to introduce violent motions into the Assembly, but this idea has been abandoned. For the same reason that he refrained from recommending to the Council he abstains from entering into the affairs of the Colony, but is busily engaged in collecting and digesting the necessary information. 33
- January 19, 1891.  
Quebec.  
The same to the same. Asks him to change the numbering on three letters dated 8th, 11th and 13th January from 9, 10 and 11 to 1, 2 and 3. 34
- January 20, 1891.  
Quebec.  
The same to Goderich (No. 4). Has received dispatch, with memorial from Coffin for retirement on a pension or other provision. There is nothing in the case of Coffin to entitle him to be placed on a different footing from other chairmen of the quarter sessions. 35
- January 21, 1891.  
Quebec.  
The same to the same (No. 5). Sends return of the Executive and Legislative Councils on 1st instant. 36
- February 1, 1891.  
Quebec.  
*Enclosed.* Return showing the names, dates and modes of appointment and if the member holds any and what office. 37
- Aylmer to Goderich (No. 6). The Legislature opened on the 27th ult.; sends copy of his speech and of the address from the Assembly. Owing to illness, the speech was delivered in his bedroom whilst he was in bed. 44
- Enclosed.* Speech. 45
- Address in reply from the Assembly. 50
- Answer. 54
- February 7, 1891.  
Quebec.  
Aylmer to Goderich (No. 7). Enters into minute detail respecting the circumstances attending the opening of the Legislature in his bedroom owing to the state of his health, as it may be deemed necessary to take steps with a view to a recurrence of such a contingency. 55
- Enclosed.* Medical certificate. 61
- Message of Aylmer to the Legislative Council of his severe indisposition and asking that an adjournment be made till next day. 62
- The same to the Assembly. 63
- Other documents. 64 to 72
- February 7, 1891.  
Quebec.  
Aylmer to Goderich (No. 8). Reports there are two vacancies in the Executive Council and suggests that Kempt might be applied to respecting the expediency of appointing Papineau and Neilson to the vacant seats. The expediency of appointing these two so as to remove the idea that the governor is always more or less influenced by the Executive Council, which is not the case so far as he is concerned. 73
- February 7, 1891.  
Quebec.  
The same to the same (No. 9). His commission as Governor general and Commander-in-chief, read and he has taken the oaths. 75
- February 8, 1891.  
Quebec.  
The same to the same (No. 10). Has received dispatch of 22nd November, that he (Goderich) had been appointed Secretary of State for the Colonies. 76



63 VICTORIA, A. 1900

1831.  
February 18, Quebec. Aylmer to Goderich (No. 11). Sends list of dispatches received by November and December mails of 1830. Page 77  
*Enclosed. List.* 78
- February 22, Quebec. Aylmer to Goderich (No. 12). Transmits list of dispatches received by January mail, 1831. 84  
*Enclosed. List.* 85
- March 1, Quebec. Aylmer to Hay. Sends Bluebook for 1830. Asks that the sheets be in future sent loose. 87
- March 3, Quebec. The same to Goderich (No. 13). In consequence of letter from Murray with petition of Plenderleath, he has consulted Chief Justice Sewell respecting the difficulties in the way of a trial of Plenderleath's appeal. The difficulty of forming a quorum unless the number of the Executive Council should be increased. Will not lose sight of the case. 88  
*Enclosed.* Chief Justice Sewell sends list of the Executive Council with note of the members who can sit as a Court of Appeal, who are only four, which does not make a quorum. This might be remedied if Lord Aylmer sat or that the number of Executive Councillors should be increased. 90
- March 3, Quebec. Aylmer to Goderich (No. 14). Refers to allowance to retain Buchanan as emigration agent for another year from 1830 on the request of Kemp. Asks that he be continued for an additional year under the impression that there will be a considerable influx of emigrants from the United Kingdom. Recommends an allowance of £40 a year for a clerk. 92
- March 3, Quebec. The same to the same (No. 15). Sends copy of letter respecting the estimates and the estimates themselves. The items objected to last year have been omitted, but he does not know what the Assembly will do with the supply bill or if it will grant supply at all. 94  
*Enclosed.* Aylmer to the Council and Assembly. Transmits an estimate of the expenses of civil government and a list of the items omitted with a remark on each. 96
- March 4, Chambly. Estimate of the civil expenditure for 1831. 100  
Petition (in French) for indemnification to the heirs of John McCutcheon. Enclosed in Aylmer to Goderich 26th March, 1831.
- March 4, Quebec. Aylmer to Goderich (No. 16). Has sent originals of various dispatches and sends communications that have passed between him and the Assembly. The liberal intentions of His Majesty have not been met with a corresponding disposition on the part of the Assembly. The assertion of the right of the Crown to dispose of certain branches of the revenue has called forth a peculiar feeling of discontent. Reason for asserting the right of the Crown to dispose of certain branches of the revenue and the unqualified claim of the Crown to the Jesuit estates show that the Assembly could not complain of a want of plain dealing. It is reported that Neilson is to bring forward certain resolutions whose scope he cannot learn. 106  
*Enclosed.* Schedule of enclosures in dispatch. 111
- Message that the taxes now levied by virtue of different Acts of the British Parliament are placed at the disposal of the legislature of Lower Canada which is invited to make a settled provision for civil government. The amount thus placed at the disposal of the legislature is £38,125 currency, the estimate for civil government £19,500, but as £5,000 is permanently granted that leaves only £14,500 to be voted. The duration of the civil list it was proposed should be for the life of the King. Will supply further explanations and information if desired. 113  
Proposed civil list with statement of the average revenues. 116

March 5,  
Quebec.March 6,  
Quebec.

SESSIONAL PAPER No. 8c

1831.

Message sending in detail the several branches of the revenue which it is deemed expedient to exempt from the operation of the proposed arrangement, so as to remove all grounds for further discussion.

Page 118

Address of the Assembly for copies of dispatches or instructions concerning the financial affairs of the province.

120

Reply of the Governor that he cannot lay the dispatches or instructions before the Assembly.

121

Address for statement of the gross annual amount of the casual and territorial revenue under various heads.

123

Answer that the statement shall be laid before the Assembly.

124

Address for statements of the gross annual amount of receipts and expenditures of the land and timber funds from the year 1818.

125

Answer, that the Governor does not feel justified in giving the information asked for without further instructions.

126

Address for a statement of the gross amount of the rents of and expenditures for the Jesuit estates.

127

Answer refers to the immediately preceding answer.

128

Address to know whether the judge of the vice-Admiralty at Quebec has made choice of the salary voted to him or of the fees.

129

Answer that he can give no information on the subject, but when the judge applied for a warrant for his salary it was withheld as he either had received fees or asserted his right to them.

130

Address for detailed items in the estimate of the proposed civil list under various heads.

131

Answer that he cannot give the information asked for, not being in possession of it.

132

Address for statement of the intended application of income arising from various sources.

133

Answer that he cannot undertake to answer specifically, but can say generally that it is intended to apply the revenues to objects closely connected with the public interests of the province.

134

Address for information respecting any bill introduced by any officer of government in the Parliament of the United Kingdom dealing with the financial affairs of the province.

135

Answer that he has no official information of any bill introduced in the last session of parliament respecting financial measures, but is informed by the Colonial Secretary that a bill will be introduced to relieve the Treasury of the obligation of appropriating the duties referred to, and to authorize their appropriation to be left to the Colonial legislature.

136

Civil list as stated in Goderich's dispatch of 24th December, 1830, and in Governor's message on 23rd February, 1831, compared with explanatory remarks.

138

Aylmer to Goderich (No. 17). Transmits resolutions to be moved by Neilson on the 8th, which are much more moderate than he had reason to expect. The excitement which is only on the surface, he thinks will gradually subside; tranquillity prevails at this moment, which it depends on the Executive government to preserve. There are good grounds for many of the complaints in the resolutions which, if removed, would place government in a favourable position with the people.

140

Enclosed. Resolutions to be moved by Neilson on the 8th March, 1831, in committee of the whole, on the state of the province.

142

Aylmer to Hay (private). Urges that the bills reserved by Kempt in 1829 and 1830 may be disposed of and returned without delay. The length of time between transmission and return of bills constitutes one of the most crying grievances of the country. Some of the bills are of great importance to the interests of the people of Canada, and the

March 5,  
Quebec.

March 6,  
Quebec.

63 VICTORIA, A. 1900

1831.

enclosed extract will show how anxiously the decision of the parochial divisions is looked for. The bill for the financial arrangement has excited angry feeling, but it is confined to a few and if the real grievances are redressed all will go well. Page 148

*Enclosed.* Extract from letter from Coffin expressing the joy he feels at the bill for the legal erection of the subdivision of parishes having become an Act. The benefit it will be to the French Canadians. 150

March 7,  
Quebec.

Aylmer to Goderich (No. 18). Asks that power be given to the governor of the province to grant 100 acres in urgent cases as this will save trouble and enable the local government to satisfy unforeseen claims. 151

March 12,  
Quebec.

Same to the same (No. 19). Asks for favourable consideration to a memorial from a committee of trade of Montreal for the establishment of Montreal as a port of entry. Refers to the memorial for the arguments in support of the request. 152

*Enclosed.* The memorial signed by George Auldjo, P. McGill, John Fleming, Andrew Shaw, Thomas Mitchell Smith, Thomas B. Anderson, B. Hart, William G. Aird and George Davies. 154

March 15,  
Quebec.

Aylmer to Goderich (No. 20). Sends the first report of the Finance committee of Assembly; the propositions submitted to it have been rejected, the Assembly refusing to make any further permanent provision for the expenses of government, so that the financial question stands in the same position as before the propositions were made. Still expects a Supply bill not as an indication, if the bill passes, of a desire to meet the views of His Majesty's government, but from apprehension of the obstacles that would arise to public enterprises. Neilson's resolutions were unanimously adopted with the addition of two which go the length, if acted upon, of a change of constitution by the abolition of the Legislative Council. Does not know the intention of the Assembly in respect to the resolutions, but it is probable they will be embodied in an address. Does not think the state of affairs in the province so unfavourable as they seem, the mass of the people being loyal and the late proceedings in the Assembly spring from the views of individuals which are best promoted by keeping up excitement. 161

*Enclosed.* Resolution of the Assembly concurring in the report of the special committee. 164

Resolutions against the appointment of a Legislative Council which had been fatal to the tranquillity and prosperity of the province. 165

The same in French. 166

First report of the special committee the last clause of which reads "That it is inexpedient that any further permanent provision for the expenses of government be made." 167

Orders of reference to the committee. 179

March 15,  
Quebec.

Continuation of enclosures. Minutes of evidence on the references from the Assembly with other proceedings, reports, &c. 183

(Many of the enclosures were sent in dispatch No. 16).

March 17,  
Quebec.

Aylmer to Goderich (No. 21). The claim of McLean for a grant of land has been reported on unfavourably by Dalhousie and Kempt. No new circumstances have arisen to justify his recommending it. Has allowed him to hold lands pending the decision of the Colonial Office with the option of purchasing if his claim is rejected or of retaining them as part of his grant. 211

March 26,  
Quebec.

Aylmer to Goderich (No. 23). Transmits petition from McCutcheon, praying indemnification for damage caused by British troops during the late American war. 252

Petition (in French) for indemnification to the heirs of the late John McCutcheon for damages sustained during the late war in the parish of Chambly. The petition is signed by John Yule and others. 253

## SESSIONAL PAPER No. 8c

1831.

Affidavit as to the truth of the statements in the petition. Page 256  
Certificate of the honourable conduct, during his life, of John McCutcheon. 257

Day, commissary general, to McCutcheon addressed as assistant commissary at Isle aux Noix. 258

Commissions and other documents relating to the claim. 260 to 264

March 28,  
Quebec.

Aylmer to Goderich (No. 22). Transmits petition from the Assembly for the dismissal of Stuart, Attorney General. Will send the documents relating to the case when they are ready. A petition was sent asking him to suspend Stuart until a decision had been received which he had complied with. Ogden, Solicitor General, ordered to Quebec to act during the suspension and Quesnel to act in his place. Has not acted on slight grounds, being sensible of the injury that will be caused to the Attorney General by the suspension. His reason for the course he took. The evils which would have resulted from a refusal to comply with the desire of the Assembly to suspend the Attorney General to whom he does not impute guilt. The opportunity given him to apply for leave of absence, which he declined doing. Further remarks on the course it may be expedient to adopt in consequence of the petition of the Assembly for the dismissal of the Attorney General. 213

Enclosed. Schedule of enclosures. 21

Petition to the King and to Aylmer respecting the dismissal of the Attorney General with correspondence. 223

Apr 15,  
Quebec.

Aylmer to Goderich (No. 24). The provincial parliament prorogued on the 31st; sends copy of his speech. The bill of supply passed. Believes the Assembly passed it with better motives than those he had attributed to it. A bill passed the Assembly to give members a daily allowance and travelling expenses but was rejected by the Council, again brought forward and introduced into the supply bill. 265

Enclosed. Speech on prorogation. 267

Resolution of the Legislative Council against the expenditure of public money without legal authority. 269

Petition to the King from the Assembly for the redress of grievances which was promised in 1828 but delayed. These grievances were recommended by a select committee of the House of Commons to be removed. 271

Memorial to Aylmer praying him to forward the petition to the King. 278

Answer from Aylmer that he would forward the petition. 280

April 6,  
Quebec.

Aylmer to Goderich (No. 25). Had reported that two resolutions were added to Neilson's but they were carried by a very small majority and are now practically abandoned by leaving them out of the petition of grievances in which Neilson's resolutions were embodied and which he now forwards. Many of the complaints are well founded and the remedies within reach of government. Remarks on the complaints. 284

April 7,  
Quebec.

The same to the same (No. 26). Recommends an addition being made to the number of Legislative Councillors a measure that would be productive of benefit, if a careful selection were made. The number might be increased to 35, and he would submit names of gentlemen possessing the necessary qualifications. The improvement in the estimation of the Legislative Council caused by the withdrawal of the puisne judges and these judges may now be treated with more respect on the bench when they no longer take part in political affairs. 292

April 7,  
Quebec.

The same to the same (No. 27). Sends petition from the Assembly for the repeal of the Tenure Act and copy of resolutions of the Legislative Council showing the difference of opinion in the two branches. It is an

63 VICTORIA, A. 1900

1831.

additional motive for the establishment of a commission in Lower Canada for the revival of the laws in force in the province. Page 295

*Enclosed.* Petition of the Assembly for the repeal of the Act to provide for the extinction of feudal and seigniorial rights and burdens on land and for the gradual conversion of tenures into that of free and common socage. Confusion and alarm has, by this law, been introduced into all parts of the province. 297

Resolutions of the Legislative Council in opposition to the repeal of the law. 299

April 7,  
Quebec.

Aylmer to Goderich (No. 28). Transmits attested copies of resolutions of the Legislative Council to which he calls attention. 302

*Enclosed.* Resolutions of the Legislative Council asserting the necessity of the existence of such a Council. The expediency of a permanent provision for civil government, of an agent in London, of the appointment of judges during good behaviour, their salaries to be permanent with retiring allowance equal to half their salaries after 15 years of service; also that they should have a consultative voice in the Council which should be established as a court of impeachment. 303

April 9,  
Quebec.

Aylmer to Goderich (No. 29). Sends copy of address to the Assembly and his answer, which refers the subject to the consideration of His Majesty's government, the object being to obtain a settlement on lands belonging to the estates of the late order of Jesuits. This would affect the rights of Bell, whose lease of the St. Maurice forges has been extended for a year. 306

*Enclosed.* Resolution respecting the settlement of Jesuit lands on the north side of the St. Lawrence in the vicinity of Three Rivers, the greatest obstacle to the settlement of this tract is the great extent of country included in the lease of the St. Maurice forges. 310

Answer by Aylmer. Has received the resolutions which he will transmit to His Majesty's Government for consideration. 311

April 11,  
Quebec.

Aylmer to Goderich (No. 30). Sends seven reserved bills on which he asks that a decision may be communicated as soon as possible. Calls attention to the bills for the incorporation of Quebec and Montreal. If they appear to trench on the royal prerogative suggests that their terms may be embodied in royal charters if found otherwise unobjectionable. 312

April 18,  
Quebec.

The same to the same (No. 31). Sends memorial from Stuart, Attorney General, charging him (Aylmer) with injustice in suspending him (Stuart). Explanation given showing that no injustice had been committed. 314

April 18,  
Quebec.

The same to the same (No. 32). Is collecting information respecting the banks in Lower Canada which shall be transmitted as soon as received. 318

April 18,  
Quebec.

The same to the same (No. 33). Comments on the evils caused by the decision of the King of the Netherlands on the boundary question. How this could be remedied. 319

April 20,  
Quebec.

The same to the same (No. 34). Reports the proceedings of the Assembly on the question of the salary of the Lieut. Governor. 328

April 20,  
Quebec.

The same to the same (No. 35). Transmits copy of memorial from Christie one of the chairmen of quarter sessions whose salary was withheld by the Assembly. 331

*Enclosed.* Christie to Glegg. Solicits a warrant for his salary and submits his explanation of the Act of the Assembly in abolishing his office. 332

April 20,  
Quebec.

Aylmer to Goderich (private). Does not agree with the opinion of Hay that it is inexpedient to appoint Papineau to the Legislative Council. The evil caused by the opinion that he (Aylmer) is influenced by the members of the Council an impression he is anxious to remove and to substitute the conviction that he is above political parties and that the

Q. 1

SESS

April 1,  
Quebec.

1831  
February  
Quebec.

July 4,  
Quebec.

July —,  
1832  
December  
Quebec.

1830  
June 19,  
Quebec.

June 21,  
Quebec.

June 24,  
August 1,  
Quebec.

1831  
March 25,  
Quebec.  
March 29

May 2,  
Quebec.

May 6,  
Quebec.

May 7,  
Quebec.



Canada  
ge 295  
to pro-  
ens on  
ee and  
intro-  
297  
deal of  
299  
resolu-  
302  
necessity  
anent  
point-  
anent  
ears of  
ouncil  
303  
embly  
of His  
lands  
affect  
ended  
306  
on the  
rs, the  
ent of  
310  
e will  
311  
which  
Calls  
f they  
s may  
312  
orney  
him  
com-  
314  
ecting  
on as  
318  
ed by  
stion.  
319  
f the  
328  
from  
with-  
331  
y and  
g his  
332  
on of  
ncil.  
y the  
nd to  
t the

## Q. 197-1-2

STATE PAPERS—LOWER CANADA.

685

## SESSIONAL PAPER No. 8c

1831.

April 26,  
Quebec.

supposed influence does not exist. Knows no better method of doing this than by introducing a person like Papineau into the Executive Council. Remarks on the assertion by Hay that the Executive Council is the adviser of the Governor and his aid in conducting the public business. The limitations on this function, otherwise a governor would be placed in great difficulties. Having taken a line independent of politics, he needs the support of His Majesty's government, if he has that, he can be answerable for tranquillizing the colony without sacrificing any principle. Is fully satisfied with the state of public feeling. Page 341  
*Enclosed.* Hay to Aylmer. Reasons for opposing the proposal to appoint Papineau to the Executive Council. 346  
Aylmer to Goderich (No. 36). Transmits report from the Executive Council that the removal of the duty on Bahama salt might lead to increased difficulties disproportionate to any benefit that could accrue. 348  
*Enclosed.* Report of a committee of Council on the proposed removal of the duty on Bahama salt, which is objected to for reasons given. 349

GOV. LORD AYLME, 1831.

## Q. 198-1.

1828.  
February —,  
Quebec.

Memorial of Dr. Mills.

July 4,  
Quebec.

Cochrane to Huskisson.

July —,

Memorial of Dr. Mills.

1829.  
December 15,  
Quebec.

Davidson to Kempt.

1830.  
June 19,  
Quebec.

Yorke to Davidson.

June 21,  
Quebec.

Davidson to Yorke.

June 24,  
August 5,  
Quebec.Yorke to Davidson.  
Davidson to Yorke.1831.  
March 22,  
Quebec.

Burrage to Glegg.

March 29,

Bowen to Aylmer. This and the preceding nine enclosed in Aylmer to Goderich, 9th May, 1831.

May 2,  
Quebec.

Aylmer to Goderich (No. 37). Sends list of dispatches received by the February and March mails.

*Enclosed.* Schedule of dispatches.

Page 1

May 6,  
Quebec.

Aylmer to Goderich (private). Points out the injurious effect to be anticipated by establishing a connection between government and the banks in event of a threatened war, when specie would be urgently required and when it might be difficult to convert the bank paper into money. Is not informed if the banks of Lower Canada are connected with those of the United States which he understands are for the most part little better than gambling speculations. As evidence of this statement sends a copy of a New York periodical called the *Counterfeit Detector* which gives a list of 117 broken banks and 962 forged notes in circulation.

4

May 7,  
Quebec.

The same to the same (No. 38). Sends first, second and third report on grievances.

7



63 VICTORIA, A. 1900

1831.

(These are in the appendix to the journal for 1831 the title only follows here at page 8.)

May 7,  
Quebec.

Aylmer to Goderich (No. 39). In answer to desire for information, sends statements and other documents from the two chartered banks of Lower Canada. Has made no remarks as he understands the Treasury has called for the sentiments of Routh, commissary general, who is perfectly qualified to throw light on the subject. Page 9

May 9,  
Quebec.

The same to the same (No. 40). Transmits memorial from judge Bowen for compensation for abolition of his office of French translator. Does not know how far government is pledged to Bowen but if the case is brought before the Assembly does not see the most remote chance of success and the revenues at the disposal of the Crown are subject to heavy charges. 11

*Enclosed.* Bowen to Aylmer. Application for compensation for the abolition of the office he held of French translator. 13

Cochran to Huskisson. Kempt thinks that Bowen should be paid the salary of French translator for life, to receive it from the time the office was abolished in 1825. 17

May 9,  
Quebec.

Aylmer to Goderich (No 41). Transmits memorial from Davidson late Surveyor General for woods in Lower Canada for compensation for the abolition of the office. Since the transfer of the duties to the commissioner of Crown Lands, Davidson's gratuitous services have been valuable and have given satisfaction to Felton and himself (Aylmer). 18

*Enclosed.* Davidson's memorial. 20

Davidson to Kempt. Explains the nature of the office, the circumstances which led to its establishment, the duties attached to it and the revenue to be expected from it. 23

Yorke to Davidson. Kempt has received a dispatch from the Secretary of State that the office of Surveyor General of woods is to be consolidated with that of the Commissioner of Crown lands and to be under the superintendence of the latter, so that his (Davidson's) services will be no longer required. 30

Davidson to Yorke. In accordance with letter will transfer to Felton all matters connected with his office. The distress of his family caused by the abolition of the office. Offers to continue his services gratuitously till he shall obtain other employment. 32

Yorke to Davidson. Sends extract from a dispatch from the Colonial secretary respecting an allowance to Davidson. Kempt will forward his representation and recommend his case. 35

Davidson to Yorke. Apparently the abolition of his office arose from the erroneous belief derived from a comparison of the receipts of the two provinces from the sale of timber without reference to the relative trouble, the greatest quantity of red pine immediately accessible being within the limits of Upper Canada. There is abundant occupation for two officers in the land and forest department and he hopes that this will induce the Colonial Secretary to replace him in his office. 37

May 9,  
Quebec.

Aylmer to Goderich (No. 42). Sends returns of the sales of clergy reserves in Lower Canada from 1st July, 1829 to 31st December, 1830, the proceeds of which are paid to the Commissary General to be sent to the Treasury till further orders are received. 41

*Enclosed.* Sales from 1st July to 31st December, 1829. 42

Same from 1st January to 30th June, 1830. 43

Same from 1st July to 31st December, 1830 44

May 9,  
Quebec.

Aylmer to Goderich (No. 43). Sends documents relating to the claim for arrears of Dr. Mills, as secretary of the Royal Institution. The revenue of the Jesuit estates from which his salary was to be paid is insufficient and while the claim is increasing yearly the revenue is far from

ormation,  
banks of  
Treasury  
no is per-  
Page 9  
m judge  
anslator.  
the case  
hance of  
subject to

11  
n for the  
13  
be paid  
time the  
17

Davidson  
ation for  
he com-  
ve been  
(mer). 18

20  
circum-  
and the  
23

ecretary  
olidated  
under the  
will be  
30

o Felton  
y caused  
uitously  
32

Colonial  
forward  
35

ose from  
s of the  
relative  
le being  
ation for  
that this  
37

f clergy  
er, 1830,  
e sent to  
41

42  
43  
44

he claim  
n. The  
paid is  
far from

## SESSIONAL PAPER No. 8c

1831.

May 12,  
Quebec.

abundant. Had been obliged to withhold his consent to build a mill on the estate from want of funds. Page 45

*Enclosed.* Documents relating to the claim of Dr. Mills. 47 to 56

Aylmer to Goderich (No. 44). Sends returns from the custom house, of the number of emigrants who have arrived at Quebec from 1826 to 1830, both inclusive. The collector and comptroller can give no statement of the number arriving before 1826. A report from Buchanan gives an account beginning 1790, but he cannot assert that this is to be relied on, as no authentic register appears to have been kept prior to 1826. It would be difficult, if not impossible, to ascertain the number who settle in Canada, as many go to the United States, some of whom return, but allowing for this, it may be considered a reasonable approximation that the number who finally settle do not fall very far short of the arrivals. 57

*Enclosed.* Arrival of emigrants at Quebec is believed to be understated, as the masters of vessels do not always return the full number. 59

Report of Buchanan of the number of emigrants arrived by sea from 1790 to May, 1831. 60

Table. 64

Extract from an essay on emigration by A. C. Buchanan published in London in 1828. 65

Aylmer to Goderich (private). Viger appointed special agent of the Assembly to proceed to London to sustain the charges against the Attorney General. The Assembly did not present an address on the subject so he made no official report. 69

The same to the same (No. 45). Has received instructions to receive from Justice Rolland and transmit for Gordon of the Colonial office £59.15.6 on account of fees for his (Rolland's) commission. He has already paid fees for his commission and its renewal to the proper officers of the local government. If the fees for Gordon are to be collected from Rolland are the others to be refunded or double fees to be charged on future commissions. With some exceptions the commission of the governor, lieutenant-governor or person administering the province has been held sufficient for the last thirty-five years and perhaps since the conquest. 70

The same to the same (No. 46). The reserved bill for the establishment of parochial subdivisions cannot take effect as more than two years have lapsed since it was passed. In view of this a similar bill has been passed to which he calls attention. 73

The same to the same (No. 47). Sends account of the receipts and expenditures of the Jesuit estates; the account is in two parts, one a report by the commissioner of the estates, the other by the Inspector General. The balance in favour of government by the first was £2,835.3.0., but was reduced by the second to £711.8.9., and this last is a favourable view of the estates. How the charge for agency is so high. 75

*Enclosed.* Statement of the revenue and expenditure of the Jesuit estates. 77

Aylmer to Goderich (No. 48). Transmits memorial from Girouard for letters patent to hold property for the support of a college in St. Hyacinthe. The subject of the memorial has been so fully discussed by Dalhousie and Kempt that he will only observe that the grant will give great satisfaction to the French Canadian inhabitants. 78

*Enclosed.* Memorial from Rev. Antoine Girouard praying for letters patent for the erection of a college at St. Hyacinthe. 80

The same in French. 83

May 12,  
Quebec.

May 13,  
Quebec.

May 13,  
Quebec.

May 13,  
Quebec.

May 18,  
Quebec.

63 VICTORIA, A. 1900

1831. May 18, Quebec.	Aylmer to Goderich (No. 49). In dispatch of the 12th instant he would not vouch for the accuracy of Buchanan's return of the number of emigrants arrived, but has since examined the records and finds that the return approaches the truth as nearly as necessary for practical purposes. The form of the return established since the opening of navigation will ensure greater accuracy in the time to come. Page 86	86
June 3, Montreal.	The same to the same (No. 50). Sends list of dispatches received by the April mail. <i>Enclosed.</i> Schedule.	88 89
June 21, Montreal.	Aylmer to Goderich (No. 51). Transmits petition from de Rouville without observations. Note by Lord Howick on the delay to which this dispatch was exposed. The petition of de Rouville for a new seigniority to establish farmers there as they would not go to the townships where the system of free and common socage was established. Ridicules the idea that these people were afraid of gaining freedom from the shackles of the seigniorial system. <i>Enclosed.</i> Petition by Hertel de Rouville for a new seigniority, to establish young farmers there as they will not go to the townships whose tenure is repugnant to them.	92 93 94 95 96 97
June 25, Montreal.	Aylmer to Goderich (No. 52). The report of Buchanan shows that the number of emigrants who arrived up to 18th June, was 28,134. If pauper immigration is to be encouraged, great care should be taken; no money relief should be given to the people who can work and only temporary shelter, medical attention, transportation to the place chosen for his residence should be given. If more is done, it may lead to establishments more expensive to the government than beneficial to the emigrant. The pauper emigrant, if in good health can never fail to find employment. Applies for the necessary funds being placed at the disposal of the local government. The same to the same (No. 53). Sends schedule of dispatches received by the May Mail. <i>Enclosed.</i> Schedule.	99 102 103
July 6, Quebec.	Aylmer to Goderich (No. 54). Sends half yearly returns of the members of the Legislative and Executive Councils. <i>Enclosed.</i> Returns.	105 106
July 8, Quebec.	Aylmer to Goderich (No. 55). Transmits petition from the Roman Catholic Bishop of Quebec and the Coadjutor for a second Roman Catholic Bishopric in Lower Canada with its seat in Montreal. Lartigue to be the first titular bishop. Refers to the observations of Dalhousie and Kempt being anxious to avoid entering on the merits of so delicate a question, on which he believes there is much difference of opinion amongst the Roman Catholic clergy. <i>Enclosed.</i> Petition from the Bishop and Coadjutor. The same in French.	112 114 120
July 8, Quebec.	Aylmer to Goderich. Sends letters from the Roman Catholic Bishop and his coadjutor. <i>Enclosed.</i> The Roman Catholic Bishop of Quebec and coadjutor to Goderich. Refer to previous correspondence respecting the formation of a new diocese to have its seat in Montreal. Viger now in London, has been authorised to confer on the subject. Roman Catholic Bishop of Quebec to Goderich. Supports the petition of Girouard for letters patent for his college at St. Hyacinthe.	126 127 129
July 11, Quebec.	Aylmer to Goderich (No. 56). Has delayed writing about the proposed McGill college till he could visit the premises. The site is a suitable one on the outskirts of Montreal. The amount left £10,000 currency or £9,000 sterling is still in litigation. Should the case be decided in favour of the legatees the sum of £1,750 for salaries will still be required	129

## SESSIONAL PAPER No. 8c

1831.

and doubts if the colonial legislature could be induced to make good this deficiency so that whatever is required must be got from England.

*Enclosed.* Proposed constitution of McGill college with preliminary observations. Page 130

July 11,

Quebec.

Aylmer to Goderich (No. 57). Transmits certified copies of the proceedings of the Governor in Council. 132

July 13,

Quebec.

The same to the same (No. 58). Transmits copy of petition for denization sent by Kompt on account of natives of France belonging to the Seminary of St. Sulpice, and not yet answered. 139

July 13,

Quebec.

The same to the same (No. 59). Has appointed Tierney collector of customs at Coteau du Lac. 140

July 14,

Quebec.

The same to the same (No. 60). A discretionary power being left as to the disposal of Crown lands, they are offered for sale, on the same conditions as heretofore. The granting of lands on quit rent does not prevail in Lower Canada, interest on unpaid parts of the purchase money cannot be so termed. The system pursued in Lower Canada for the sale of Crown lands has worked well and until the purchaser pays the cost he cannot get a patent, so that he can neither devise nor sell until that is the case. Is afraid of the evil caused by a strict enforcement of the regulation which accompanied the dispatch, the purchasers being mostly men with small capital or none, who hope to pay for the land by their labour. 141

July 15,

Quebec.

The same to the same (No. 61). Transmits memorial from Cochran that he may retain his seat in the Executive Council although he has been informed that the mandamus is not to be renewed, he being commissioner of the Court of Escheats. In consequence of the difficulty of obtaining a quorum in the Executive Council he has been obliged to suspend carrying into effect the instructions contained in dispatch of 8th February, 1831. Explains the embarrassment from which he suffers in respect to the selection of gentlemen qualified to take their seats. 142

July 15,

Quebec.

*Enclosed.* Memorial of A. W. Cochran. 145  
Aylmer to Goderich (No. 62). At the instance of the Superior of the Seminary of St. Sulpice asks leave for five or six Roman Catholic clergymen to come from France as professors in the Seminary. The loyalty and good conduct of similar persons who have been formerly admitted. His favourable impression of the character of Quiblier, superior of the Seminary, himself a native of France. 155

July 15,

Quebec.

The same to the same (No. 63). Sends schedule of Acts passed last session and copy of the journal of the Legislative Council. 157

August 19,

Quebec.

*Enclosed.* List of Acts passed during the last session. 158

August 19,

Quebec.

Aylmer to Goderich (No. 64). On his return after an absence of five weeks he had received dispatches of which he sends schedule. 166

August 25,

Quebec.

*Enclosed.* Return of dispatches from the Colonial department. 167

August 25,

Quebec.

Aylmer to Goderich (No. 65). In reference to his recommendation to be authorized to grant 100 acres which has been refused, explains that he desired only to encourage the settlement of a new line of road through a wild and unsettled country. 170

August 26,

Quebec.

The same to the same (private). Thanks for permission to communicate unreservedly on all subjects. Was afraid that His Lordship's mind was exposed to impressions unfavourable to his (Aylmer's) official course. Is rejoiced to find that idea erroneous. Reasons for recommending Papineau to be appointed to the Council. Does not like his political principles but his private character is estimable and he desired to show him and those who share his political sentiments, that the administration of the province was free of party connections and open to investigation. Government is without influence in the Assembly and government can only derive strength by possession of public opinion. The evil effects

63 VICTORIA, A. 1900

1831.

on the French Canadians of Anglifying their laws. Refers to previous recommendation that Neilson should be appointed to the Executive Council. Page 172

August 29,  
Quebec.

Aylmer to Goderich (No. 66). Calls attention to the regulation of fees on the issue of land patents. Fees generally are objectionable but in this case they are peculiarly so, as subjecting the patentee to great delay and the public officer concerned has little contentment. Instances the inconvenience caused by writing various properties in one patent which could not issue even if all had paid but one. On the part of the public officer there is inadequacy of the fee for small grants, so that the only remedy would be an increase to the fee altogether in excess of the value of the property. Purposes to remedy this by taking the average of fees and paying accordingly and by the average sales ascertain the amount of the fee per acre which should be added to the price of the land at the time of the auction, so that it would become an acreable charge. Felton commissioner of Crown lands entirely concurs in this view. 177

August 29,  
Quebec.

The same to the same (No. 67). Transmits schedule of dispatches received by the July mail. 182

*Enclosed.* Schedule of dispatches. 183

August 31,  
Quebec.

Aylmer to Goderich (No. 68). In reference to order to pay Davidson £250 a year as assistant commissioner of Crown lands from 30th June, 1830, he has been paid his full salary as commissioner of Woods and Forests for 1830; asks for instructions. This is not done from a wish to withhold anything from Davidson as he sets a high value on his services. 184

August 31,  
Quebec.

The same to the same (No. 69). Observations on the regulations affecting the importation of foreign goods either by land or by water carriage. 186

*Enclosed.* Statement of duties levied on under named articles. 189  
Campbell to Aylmer.

September 14,  
Fredericton.

September 14,  
Fredericton.

McLauchlan to Campbell. With documents from Maine of various dates sent by McLauchlan and which follow the letter. 198

October 1,  
Sorel.

Aylmer to Campbell.

October 1,  
Sorel.

The same to Maitland. This and the three preceding enclosed in Aylmer to Goderich 5th October, 1831.

October 3,  
Quebec.

The same to Goderich. Sends extract from address presented to him in Three Rivers in July last. 191

October 5,  
Sorel.

The same to the same (private). Has received the letter relating to the case of Stewart (Stuart) Attorney General. Does not pretend to follow its train of reasoning, as his (Aylmer's) action was entirely independent of the question of his guilt or innocence; had suspended him at the instance of the Assembly till the King's pleasure should be known. Had he dealt with the case on its merits His Majesty's government would have had the same embarrassment as neither party would have been satisfied with his judgment. Considerations of the damage alleged to have been suffered by Stuart. 192

October 5,  
Sorel.

The same to the same (No. 70.) Sir Archibald Campbell has no doubt communicated the assumptions of the State of Maine on the territory now in dispute. Has ordered Maitland to send all the reinforcements possible. Shall keep a watchful eye on the frontier of New Brunswick. 196

*Enclosed.* Campbell to Aylmer. Reports the encroachments of the State of Maine. 198

McLauchlan to Campbell. Sends copies of the authorities given to Americans sent to Madawaska by the State of Maine. 200

Resolution of the State of Maine respecting people settled on the territory in dispute with New Brunswick. 201

Q. 1  
SES

October  
Sorel.

LIBRARY, ARCHIVES  
INDIAN AFFAIRS BRANCH

October  
Quebec.

October  
Quebec.

October  
Quebec.



previous  
Executive  
Page 172  
lation of  
le but in  
to great  
stances  
e patent  
t of the  
that the  
ss of the  
verage of  
e amount  
and at the  
Felton  
177  
atches re-  
182  
183  
Davidson  
th June,  
Forests  
to with-  
ces. 184  
ulations  
y water  
186  
s. 189

various  
198

Aylmer

o him in  
191  
ating to  
etend to  
ly inde-  
him at  
known.  
ernment  
uld have  
alleged  
192  
no doubt  
territory  
ements  
nswick.  
196  
s of the  
198  
given to  
200  
the ter-  
201

## SESSIONAL PAPER No. 8c

1831.

Notice and warrant by the State of Maine in favour of Walter Powers.  
Pages 204, 205

Aylmer to Campbell. Should look forward for further communications respecting the encroachments of Maine on disputed territory. The benefit of his (Campbell's) presence in the disputed district. Is aware of the inadequacy of his force and has written to Maitland to send reinforcements. The force in Canada does not enable him to send immediate assistance but has no doubt the legislature, which is to meet on the 15th of November, will enable him to lend a helping hand to New Brunswick and to guard the frontier of Lower Canada. He will not permit of any hostile attempt on an extensive scale and His Majesty's government will be able to reinforce the army before the return of the season for active operations. Has no doubt he (Campbell) has communicated with the minister at Washington and that Maine has acted as a separate state and not as a component part of the United States. 206

The same to Maitland. Authorises him to send reinforcement to New Brunswick. 209

The same to Goderich (No. 71). Regrets that his letter was not satisfactory but it was not intended to convey all he thought necessary to communicate on the subject of emigration, as he was on the point of proceeding to investigate. The danger of throwing a number of people as settlers on the coast of Gaspé, the livelihood of the settlers being obtained by fishing, scarcely enough produce being raised from the land for their subsistence. Recommends the Eastern Townships for settlers; thinks that 50,000 could be settled, if introduced with circumspection. Has no doubt that 100,000 persons could be settled on the Lower Canadian side of the river Ottawa, which he had visited as far as Bytown, but the capabilities of that country are not fully known. Vast range of cultivable land in Lower Canada between the Ottawa and St. Maurice, but in the meantime settlement should be confined to the Townships and to the line of the Ottawa in Lower Canada. The necessity of the early arrival of emigrants. Already 46,000 have arrived at Quebec and these will amount to 50,000 by the close of navigation. Explains the unavoidable hardships to settlers arriving at Quebec in large numbers. The crowding on board the steamers has carried off numbers who would have encumbered the wharves and streets of Quebec. The indications are that there is no want among this year's emigrants and some have refused double the wages they have been accustomed to. Advises that for next season, the number of emigrants should be limited to 50,000. Sends report from Buchanan which he had kept by him till he had examined the subject on the spot, in case he might differ from Buchanan but finds himself in substantial agreement with him. Remarks on Buchanan's report. Most of the emigrants came as settlers having relations in the country. The duties of the local officers. 211

Enclosed. Report of Buchanan resident emigration agent. 225

Extracts from reports of Buchanan to the Parliament of Lower Canada, 12th February, 1829. 242

Aylmer to Goderich (72). Transmits schedule of dispatches received by the August British mail. 249

Enclosed. Schedule. 250

Aylmer to Goderich (No. 73). Reports that the hire of the "Kingfisher" for five years has now expired and must be renewed, if thought desirable. The service of the vessel is required. 252

Enclosed. Schedule of correspondence respecting the brig "Kingfisher." 254

Aylmer to Goderich (No. 74). Had given Buchanan leave of absence but that gentleman having received a letter direct, not to absent him.

October 12,  
Sorel.

LIBRARY, ARCHIVES  
INDIAN AFFAIRS BRANCH

October 24,  
Quebec.

October 25,  
Quebec.

October 27,  
Quebec.



68 VICTORIA, A. 1600

1831. self without the leave of the Colonial Secretary, the leave has been cancelled. Page 255
- October 31, Aylmer to Hay. Sends the size of the bell required for the presbytery of the Indians of Caughnawaga. 257
- Quebec.

Gov. LORD AYLMEY, 1831.

## Q. 198-2

1829.  
November 17, Routh to Couper.  
Quebec.

1831.  
October 31, Routh to Glegg. Both enclosed in Aylmer to Goderich 3rd November 1831.  
Quebec.

- November 3, Aylmer to Goderich (No. 75). Transmits letter from the commissary general regarding the supply of presents for the Indians for 1831 and 1832 also copy of commissary's letter of 17th November, 1829. Page 258  
Quebec.

*Enclosed.* Routh to Glegg. In explanation of the estimates for Indian presents refers to his letter of 1829 which explains the cause of the surplus. In consequence of the supplies asked for not having been fully sent confusion arose. The great inconvenience to the service arises from the late arrival of the presents the best half of the season being thus lost. 259

List of presents for the Indians required for 1830 and 1831. 261

Routh to Couper. Sends memorandum of articles required to complete the demands for the Indian department for 1830 and 1831. 263

- November 3, Aylmer to Goderich (No. 76). Refers to application of Kempt for the transportation of two convicts to Bermuda and in accordance with letter from Hay, applies to have them removed to such places as His Majesty shall direct. 265  
Quebec.

- November 7, The same to the same (No. 77). Sends schedule of dispatches received by September mail. 267  
Quebec.

*Enclosed.* Schedule. 268

- November 7, Aylmer to Goderich (No. 78). Has directed Felton in disposing of Crown lands to act upon His Lordship's (Goderich's) instructions. 270  
Quebec.

- November 7, The same to the same (No. 79). Has received dispatch and will carry his instructions into effect and is sanguine that His Lordship will not be disappointed in the result, so far as the Seminary is concerned. Has had confidential communications with Quiblier, the superior, who expressed an earnest desire to bring the question of the property of the Seminary to an amicable termination. 271  
Quebec.

- November 9, The same to Hay. Introduces Mr. McGill. 273  
Quebec.

- November 11, The same to Goderich (No. 80). No inconvenience has been experienced from the number of destitute persons arriving, &c. Subscriptions for the relief of distress are the only expenses incurred. Except a tonnage tax it is not probable that the provincial legislature will interpose obstacles to emigration if it is left to itself, but cannot say what would be the consequence if the idea got abroad that it was intended to relieve the United Kingdom of indigent and disorderly persons who are burdensome to parishes and troublesome to society. 274  
Quebec.

- November 11, The same to the same (No. 81). Mr. Justice Kerr has been informed that his functions as a member of the Executive Council are to cease on the 20th instant, Philip Panet to be his successor. 277  
Quebec.

- November 16, The same to the same (No. 82). Sends copy of the minutes of the proceedings of the Executive Council between 1st January, and 1st October. 277  
Quebec.

## SESSIONAL PAPER No. 8c

1831.

with a communication from Ryland explaining why the running date on the upper margin had not been inserted. Page 278

*Enclosed.* Ryland to Aylmer. Had made up the transcript of the proceedings of the Executive Council before he received the dispatch respecting the dates. The difficulty of preparing the report of proceedings which contains minutes of different dates and the meetings are irregularly held. 279

November 18, Aylmer to Goderich (private). Sends extract from the *Minerve* showing the interest taken in emigration. The influence of the *Minerve*. 281

*Enclosed.* Extract from the *Minerve* pointing out the danger to French Canadians of the system of emigration. 282

November 19, Aylmer to Goderich (No. 83). The legislature of Lower Canada met on the 15th. Sends copies of speech, address and replies. Christie re-elected in Gaspé, again expelled. Sent down His Lordship's dispatch with a message. 284

*Enclosed.* Speech from the throne. 286

Address from the Legislative Council. 291

Address from the Assembly. 293

Answers to Council and Assembly. 296-297

Message from Aylmer to Assembly transmitting dispatch from Colonial Secretary in reference to complaints from the Assembly. 298

November 29, Aylmer to Goderich (No. 84). Has received dispatches by the October mail of which he sends schedule. 299

*Enclosed.* Schedule of dispatches. 300

November 30, Aylmer to Goderich (No. 85). Transmits resolutions of the Assembly on dispatch of 7th July last communicated to him by an address of the House and his reply. 301

*Enclosed.* Resolutions agreed to by the House of Assembly. 302

Answer by Aylmer. 305

December 1, Aylmer to Goderich (No. 86). In reference to the demand for the payment of £59,15.6 from Judge Rolland for fees on his appointment as puisne judge, sends memorial. As Rolland says he acted with his (Aylmer's) approval, that had reference only to his course in applying by memorial to His Lordship. 306

*Enclosed.* Memorial by Judge Rolland. 308

Extract from the commission of Lord Aylmer. 313

Rolland to Craig. Had resolved to send a memorial to the Colonial secretary in respect to the fees charged for his commission as puisne judge. 314

December 3, Aylmer to Goderich (No. 87). No trace can be found of Alexander Murcheson, formerly a private in the Canadian fencibles. 314

Answers from Alexander McQueen and Alexander Fraser, that they know nothing of Murcheson, asked for. Fraser adds in a postscript that there was an Alexander Matheson who enlisted in the fencibles. 317, 318

December 14, Aylmer to Goderich (No. 88). Sends statement of the population of Lower Canada derived from the census. The great variety of information to be found in the census returns have not yet been put in a connected form. When this shall have been done he shall communicate the same. 320

*Enclosed.* Statement of the population. 321

December 15, Aylmer to Goderich (No. 89). Recapitulates the contents of previous letters. Now transmits copy of message to the Assembly to provide for the salaries, fixed allowances and incidental expenses of the judges, which were referred to a committee. Does not apprehend any difficulty in the Assembly but thinks the bill will contain a clause to make the Legislative Council a court for the trial of impeachments, &c. 321

63 VICTORIA, A. 1900

1831.

Sends copy of resolutions on which a bill was founded to constitute a court of appeals and to alter the itinerating system. In the Assembly a great desire is manifested on the part of leading members to exclude the Chief Justice from this court. This will, if carried, probably be followed by a clause to exclude all the judges, including the Chief Justice from the Legislative Council. If such a bill is brought up he knows how to act, but believes it will be rejected by the Legislative Council. Page 324

*Enclosure.* Message to the Assembly recommending a measure to secure the independence of the judges from the Crown and Assembly. 327  
Resolutions from committee on Courts of Justice. 329

The same in French. 331

December 17,  
Quebec.

Aylmer to Goderich (No. 90.) Transmits report of Buchanan agent for emigrants and settlers, stating the number of persons for whom employment can be found on the public works. In respect to the amount to be advanced to enable men to proceed from Quebec to the place of employment, those entitled to claim it should have a certificate to entitle them to make the demand, otherwise the system must lead to fraud and imposition. 334

*Enclosed.* Schedule of enclosures. 336

Report by Buchanan with various enclosures respecting the number of labourers that would be required, the rate of wages, &c. 337 to 346

December 17,  
Quebec.

Aylmer to Goderich (No. 91). Sends report of emigration for 1831. Is persuaded that the numbers shown by the returns he directed to be made are under the number that arrived, the masters of vessels desiring to evade the provisions of the passenger regulation Act by returning the number below that of those actually on board. How this could be averted. 347

*Enclosed.* Report by Buchanan, preceded by a schedule of enclosures. 349 to 405

December 19,  
Quebec.

Aylmer to Goderich (No. 92). Sends the names of 11 gentlemen recommended for the Legislative Council. Of these 8 are of French origin, 4 are members of the Assembly and all but one are independent of the local government. Peter McGill being absent, has not been consulted as to his acceptance of the office. 406

*Enclosed.* List of the Legislative Council, if the names now sent are approved of. 408

Names of the gentlemen recommended, with remarks on their position, families, &c. 410

December 20,  
Quebec.

Aylmer to Goderich (No. 93). Had reported that he had nominated Philip Panet to be a member of the Executive Council in room of Judge Kerr. Now recommends the coadjutor of the Roman Catholic Bishop of Quebec in preference to the Bishop, owing to the advanced age and infirmities of the latter. 412

December 21,  
Quebec.

Aylmer to Goderich (No. 94). Transmits memorial from Buchanan, emigration agent, praying to be reimbursed for expenses contracted in the execution of his duty. Recommends the case. 414

*Enclosed.* Memorial by Alexander Carlisle Buchanan. 416

Documents in support of Buchanan's claim. 422 to 432

#### PUBLIC OFFICES, 1831.

#### Q. 199.

1830.  
August 17,  
Ordinance.

Butler to Stewart. Enclosed in Byham to Hay 24th January, 1831.

August 19,  
Quebec.

Felton to Secretary of the Treasury. Enclosed in Stewart to Hay 30th July, 1831.

Q. 19

SESSI

1831  
January  
Ordinance.

January  
Ordinance.

January  
Ordinance.

January  
Liverpool.

January  
London.

January  
London.

January  
Ordinance.

January  
London.

February  
Treasury.

February  
Ordinance.

March 8,  
London.

80

stitute a  
mbly a  
ude the  
ollowed  
e from  
how to  
age 324  
ure to  
y. 327  
329  
331  
a agent  
whom  
to the  
to the  
tificate  
lead to  
334  
336  
umber  
to 346  
1831.  
to be  
esiring  
urning  
uld be  
347  
of en-  
to 405  
lemen  
rench  
endent  
con-  
406  
nt are  
408  
sition,  
410  
inated  
Judge  
Bishop  
age and  
412  
hanan,  
ted in  
414  
416  
to 432

1831.

o Hay

## SESSIONAL PAPER No. 8c

1831.  
January 3,  
Ordnance. Kempt to Goderich. The £45,000 voted for military works at Kingston ought not to be appropriated for any other purpose. Page 39  
January 4,  
Ordnance. Byham to Hay. Asks for the return of letter dated 29th ultimo that a clerical error may be corrected. 41  
January 13,  
Ordnance. The same to the same. Returns the letter of the 29th which has undergone the necessary correction. 42  
January 14,  
Liverpool. Collector and Comptroller of Customs to Colonial Secretary. Have shipped a box to his address, said to contain official dispatches. 251  
*Enclosed.* Receipt from Pickfords. 252  
January 16,  
London. Kempt to Goderich (private. Returns copy of dispatch to Aylmer respecting the reserved bill for rendering valid conveyances of land held in free and common soccage with passages marked that should be omitted. The prejudice entertained by leading men in the Assembly against the Chief Justice and the law officers of the Crown so that it would be prudent not to refer to their opinion of the bill. The establishment of registry offices already provided for. Conclusive reasons given why the bill cannot be allowed, but he regrets that it cannot. 43  
*Enclosed.* Extract from dispatch from Kempt respecting the establishment of registry offices in the Eastern Townships. 45  
January 18,  
London. Bryce to Couper. Sends memoranda relative to the water communication in Canada and works of defence in the colonies. 53  
*Enclosed.* Memorandum of works of defence in progress at Corfu, Quebec and other places. 54  
Ellicombe to Byham. States the amounts required to be voted for the Rideau and Grenville Canals. 56  
Details and reports on these Canals. 57 to 61  
January 24,  
Ordnance. Byham to Hay. The sum of £256,782 should be voted for the Rideau and £40,000 for the Grenville and other canals on the Ottawa. 46  
*Enclosed.* Butler to Stewart. Remarks by the Board of Ordnance on the excess in expenditure on the Rideau Canal. 47  
January 31,  
London. Kempt to Goderich (confidential). Sends memorandum on the state and condition of the militia of Lower Canada. The excitement at the revival of the old militia ordinances. Nothing done in the first session to pass a new law; the difficulty in getting the legislature to pass even the defective militia law that exists. The militia, although a large numerical force is not efficient, has only one day's muster, no training and no arms or accoutrements. In case of invasion, the proportion the governor could call out would be immediately embodied into regiments for active service and as the inhabitants of Lower Canada are partial to military exercises and have a great aptitude for the use of arms, the militia in a few months would become a respectable force, but its services are limited to six months. In case of invasion, it is hoped the legislature would extend this time. Can give no positive information as to the militia of Upper Canada as the Lieut. Governor of that province is not under the control of the Governor-in-Chief and does not report to him, but Colborne applied for arms and accoutrements for 6,000 infantry and 500 cavalry before he (Kempt) left Quebec, that number being ready to drill if furnished with arms &c. 62  
*Enclosed.* Memorandum respecting the militia of Lower Canada. 66  
February 12,  
Treasury. Stewart to Hay. In reference to the charge for travelling expenses of McKay to Penetanguishene the Treasury will not under the circumstances, call upon him to refund the amount. 114  
February 14,  
Ordnance. Butler to the same. The proposed grants of land to men of the Royal staff corps employed on the Grenville canal for three years has nothing to do with pensions. 73  
March 8,  
London. House of Commons. Address for correspondence respecting the timber duties. 1

63 VICTORIA, A. 1900

1831.  
March 10, Downing Street.  
March 14, Or. Inance.  
March 15, Foreign office.  
March 17, London.  
March 22, Ordnance.  
March 23, Ordnance.  
March 23, Foreign office.  
March 23, London.  
March 26, Treasury.  
March 28, Admiralty.  
March —, Whitehall.  
April 6, Foreign office.  
April 13, Treasury.  
April 14, Treasury.  
April 14, Ordnance.
- Stephen to Hay. In reference to Aylmer's request for power to grant Crown lands in fief and seigniority considers that it cannot be granted. The predilection of French Canadians for that form of tenure justifiable. How the objections to the socage tenure could be removed. Page 33  
Byham to the same. Applications by the Ordnance officers to the Superintendent of settlers in Upper Canada for information as to the prices he would give for settler's stores have not been answered. Asks that the Secretary for the Colonies give instructions to the Superintendent to answer the inquiries. 74  
Backhouse to the same. Sends copy of dispatch from Vaughan enclosing report of the Secretary of war at Washington, which accompanied the message of the President to Congress. 10  
Enclosed. Vaughan to Aberdeen. Encloses copy of the report of the Secretary of war of the United States, which acknowledges the prevalence of desertion in the army. It is principally occupied with the negotiations with the Indians for treaties, two tribes having already agreed to them; the change produced by the Christian religion amongst the Choctaws. Uneasiness on the western borders. 11  
Account of all imports, except tea, from India and China to the British American provinces. 253  
Kempt to Hay. Bouchette has filled the situation in Lower Canada mentioned in his memorial. Can say nothing of the merits of the map as he has not seen it completed. If the £500 should be advanced, how the amount could be repaid. 75  
The same to the same. The inconvenience that will be caused by the expressed opinion of Goderich, that the land should only be granted to soldiers in Canada as commutation of pension. The advantages of having the men of the Royal Staff Corps settled in Canada. No men would settle there on the terms proposed by Goderich. 77  
Backhouse to the same. Sends extract from the American Secretary of the Treasury on the expenses of the military establishments of the United States. 13  
Enclosed. Expenses for 1829. 14  
Expenses for 1830. 21  
Grant to Hay. Would a single person emigrating to Canada obtain a grant of land, and upon what terms? 9  
Stewart to the same. The Treasury approves of the method adopted by Aylmer of remitting the proceeds of the clergy reserves, and asks for a report from time to time of the amounts so that corresponding sums may be invested as provided by the Act 7 and 8 George 4 cap. 62 115  
Barrow to the same. The Lords of the Admiralty have paid attention to the question of steam navigation but are not prepared to recommend as a government measure the crossing the Atlantic by steam unless a contract was entered into from Liverpool with any steam company willing to undertake it. 4  
Noyes to Mayer. Notices that 15 miles were set apart in 1763 for the Catawba Indians but cannot discover an order in Council to carry the stipulations into effect. 8  
Shee to Hay. Thanks for answer to his letter. 28  
Stewart to the same. The requisition for Indian presents has been transmitted to the Ordnance with instructions to forward the articles required. 116  
Same to the same. The Lords of the Treasury authorise an advance of £500 being made to Bouchette, the same to be repaid from his salary. 117  
Couper to Baillie. Has shown Kempt Tierney's letters, now returned. He had more zeal than discretion perhaps, but Kempt thinks it desirable he should have a situation when an opportunity offers. 79

55551

1831.  
April 1, London.  
April 2, War Office.  
April 20, London.

May 9, Ordnance.

May 11, London.

May 23, Ordnance.

May 27, Treasury.

June 1, Treasury.

June 2, Navy Office.

June 7, Treasury.



er to grant  
 so granted.  
 justifiable.  
 Page 33  
 to the Sup-  
 the prices  
 Asks that  
 rintendent  
 74  
 aughan on-  
 companied  
 10  
 port of the  
 a the pre-  
 l with the  
 g already  
 n amongst  
 11  
 na to the  
 253  
 er Canada  
 of the map  
 need, how  
 75  
 sed by the  
 e granted  
 antages of  
 No men  
 77  
 ertary of  
 ats of the  
 13  
 14  
 21  
 a obtain a  
 9  
 adopted by  
 asks for a  
 ling sums  
 p. 62. 115  
 d attention  
 recommend  
 unless a  
 pany will-  
 4  
 1763 for  
 il to carry  
 8  
 28  
 has been  
 ne articles  
 116  
 n advance  
 alary. 117  
 returned.  
 t desirable  
 79

## SESSIONAL PAPER No. 86

1831.

April 15,  
London.April 25,  
War Office.April 26,  
London.

House of Lords. Address for a communication from the Governor of Canada to the Assembly respecting the administration of justice. Page 2  
 Sullivan to Hay. Asks for the date of Glegg's appointment. 179

Kempt to Goderich (private). Again calls attention to the application of Girouard to hold lands in mortmain for the establishment of a seminary at St. Hyacinthe. Had sent reports from the Attorney General containing legal objections to Girouard's application on the plan proposed. These objections sustained by Murray and Girouard informed that his prayer could not be complied with. The disappointment caused by the refusal. Bishop L'Artigue has applied to have the subject reconsidered. He (Kempt) thinks some plan should be adopted to remove the legal objections, so that the Roman Catholic clergy may understand on what footing their establishments for the education of youth can be recognized and placed in the province. By corresponding with the parties interested some understanding may be arrived at. It would be advisable in any charter granted to provide that the governor or some other lay authority should be appointed a visitor so that the whole direction may not be entrusted to ecclesiastics; he is satisfied that some arrangement is desirable. The Governor has according to the Attorney General, no authority to create corporations. In that case it would be well to convey to the Governor the necessary authority. Had sent memorial from L'Artigue asking that the district of Montreal might be made a diocese independent of Quebec, that he (L'Artigue) be recognized as Bishop of Montreal and authorised to hold in mortmain landed property worth £1,500 sterling for ever. 80

May 9,  
Ordnance.

The same to the same. Recommends that the case of General Darling may meet with favourable consideration. 85

May 11,  
London.

Enclosed, Darling to Kempt. Asking indemnification and correcting a misstatement of the amount of pay he had received. 87

May 23,  
Ordnance.

Kempt to Goderich. Sends letter from Aylmer. The irregularities of the mails by Halifax. 89

The same to the same. Transmits memorial from Dr. Pardy for remuneration for professional assistance to the Indian tribes in Lower Canada. Strong evidence in his favour. Recommends favourable consideration. 90

May 27,  
Treasury.

Stewart to Hay. Transmits letter from the Board of Ordnance for explanation of the requisition for Indian presents. 118

Enclosed, Byham to Stewart. The Board of Ordnance desires to know if articles for Indian presents reported in 1829 to be in excess are to be sent. Comparative lists given. 119

June 1,  
Treasury.

Stewart to Hay. The Lords of the Treasury do not consider Darling entitled to any remuneration on the abolition of his office owing to the short time he held it, and his leave of absence for three months during which he received full pay. 121

June 2,  
Navy Office.

Smith to the same. In reply to inquiry about a passage for a poor woman and her family from Ireland to North America, the "Prince Regent" transport sailed from Plymouth to Cork whence she will proceed to Halifax and New Brunswick. 38

June 7,  
Treasury.

Stewart to the same. The Lords of the Treasury find that since 1818 the sum of £149,419 has been advanced from the Army extraordinary for the civil expenses of Canada and no part repaid. The advance for civil purposes of money voted for Army expenditure is objectionable and if the amount is susceptible of being estimated, payment of the deficiency should be voted by Parliament, or if an unforeseen emergency should prevent this, the attention of Parliament should be expressly called to it. By the present system the Lords of the Treasury lose control of the



63 VICTORIA, A. 1900

1831.  
expenditure which they should retain for the benefit of the public service. Is there any prospect for the repayment of these advances? Page 122
- Enclosed.* Statement of sums advanced to Canada between 7th August, 1818 and 1st July, 1830. 125
- June 15, Freeling to Hay. Has given orders to refund the postage on a packet addressed to the Lord Bishop of Quebec. 254
- June 17, FitzRoy Somerset to the same. The arrangements by the Commander-in-Chief for completing the service companies of regiments to be left in British North America. The numbers of the regiments affected are given. 5
- June 24, War Office. Sullivan to the same. Asks if the appointment of deputy or resident agent in the Indian department is the same situation as secretary, it having been so represented by Messrs. Codd, agent for Napier; if the situations are not one and the same, desires to know the salary and emoluments of the secretary and the date of Napier's appointment. 180
- June 29, Ordnance. Instructions to the Respective Officers at Quebec.
- June 29, Ordnance. Byham to Stewart. Both enclosed in Spring Rice to Howick, 12th September, 1831.
- July 5, Treasury. Stewart to Hay. For the opinion of Goderich on the application for a pension of Mrs. Rolette, widow of Lieut. Rolette. 129
- Enclosed.* Aylmer to Secretary of the Admiralty. Transmits memorial from Mrs. Rolette for a pension. 131
- Memorial of Mrs. Rolette. 132
- Statement of part of Rolette's services. 133
- July 11, London. House of Lords. Address for communications between the Governors of Upper or Lower Canada and the Legislatures respecting the appropriation of the Crown revenues. 3
- July 13, London. Coates to Hay. Under the provisions of the Act the Church Missionary Society has been unable to send Rev. Edward Jones as a missionary. The society suggests an amendment to the Act. 255
- July 14, War Office. Sullivan to the same. As the Secretary at War considers the office of deputy or resident agent in the Indian department to be a staff appointment of which the holder is entitled to receive his half-pay, asks if the office held by Napier as secretary is as much a military appointment as the other. 181
- July 16, Treasury. Stewart to the same. His (Hay's) letters had been taken by Planta; has found and referred them to the Customs. 136
- July 25, London. Vigors to the same. The Zoological society express thanks for the offer of Goderich to send specimens of the birds brought by the Arctic land expedition and send list of such as it would be desirable to have. 258
- July 30, Treasury. Stewart to the same. Asks for the opinion of Goderich on the course followed by Felton in respect to the ungranted Crown lands. 138
- Enclosed.* Felton to the Secretary of the Treasury. Reports that his operations are suspended in respect to the surveyed Crown lands remaining ungranted in consequence of the decision of the Executive Council. 139
- August 6, Treasury. Stewart to Hay. Sends note of sums paid to the military chest by Upper and Lower Canada from sales of clergy reserves. 141
- August 9, Treasury. The same to the same. The Lords of the Treasury desire that the practice of providing out of the military chest for part of the civil expense of Lower Canada shall cease and if the amount cannot be obtained from the revenue at the disposal of the Crown or from the Colonial revenue, the sanction of Parliament must be obtained. 142
- August 9, Quebec. Routh to Stewart. Enclosed in Stewart to Howick 31st December, 1831.

the public  
advances?  
Page 122  
th August,  
125  
n a packet  
254  
mmander-  
o be left in  
ected are  
5  
or resident  
ry, it hav-  
f the situa-  
and emolu-  
180

wick, 12th

ication for

129

its memo-

131

1:2

133

Governors

the appro-

3

h Mission-

missionary.

255

the office of

if appoint-

asks if the

ntment as

181

y Planta;

136

or the offer

retic land

ave. 258

he course

138

ts that his

ds remain-

e Council.

139

y chest by

141

that the

the civil

cannot be

from the

142

December,

## SESSIONAL PAPER No. 8c

1831.  
August 17, Treasury. Stewart to Hay. Sends minute of the Treasury on sums arising from the sale of clergy reserves in Lower Canada. Page 143  
*Enclosed.* Minute of Treasury, on the investment of money paid into the military chest from sales of the clergy reserves. 144  
By to Respective Officers. Enclosed in Butler to Hay 17th October 1831.
- August 19, Rideau Canal. 1831.  
Routh to Glegg. Enclosed in Stewart to Howick 31st December, 1831.
- August 29, Quebec. 1831.  
Respective Officers to the same. Enclosed in Butler to Hay, 17th October, 1831.
- September 1, Quebec. Gore to Routh. Enclosed in Stewart to Howick, 19th December, 1831.
- September 3, Quebec. Routh to Stewart. Enclosed in Stewart to Howick, 31st December, 1831.
- September 5, Quebec. The same to the same. Enclosed in Stewart to Howick, 19th December, 1831.
- September 5, Quebec. Glegg to Respective Officers.
- September 7, Quebec. Respective Officers to Colborne's secretary. Both enclosed in Butler to Hay, 17th October, 1831.
- September 9, Treasury. Stewart to Howick. Sends observation on Stephen's paper. It is impracticable to reestablish the fees so that it is needless to waste time in arguing the question. 146  
*Enclosed.* Walford discusses the opinion of Stephen on the subject of fees to be paid to officials. 147
- September 12, London. Kempt to Goderich. Sends letter from the Roman Catholic Bishop of Quebec and when convenient would be glad to have some conversation on the subject. 91  
*Enclosed.* Roman Catholic Bishop of Quebec to Kempt. Renews the request to have the district of Montreal made a diocese separate from Quebec and that L'Artigue be recognized as Bishop. 92
- September 12, Spring Rice to Howick. Transmits letter from the secretary of the Ordnance on the subject of instructions that the lands, canal and works of the Rideau are to be placed in charge of the Ordnance and asks that instructions be sent to the Governors of Upper and Lower Canada and other proper authority to afford the officers of the Ordnance the necessary assistance. Asks the opinion of Goderich if in a work of such importance to the colony, provincial aid might not be expected till the tolls be more productive. 149  
*Enclosed.* Byham to Stewart. Transmits copy of instructions from the Ordnance in reference to placing the lands, canal and works in charge of the Ordnance Department. 151  
Instructions to the Respective Officers at Quebec. 153
- September 17, Treasury. Stewart to Hay. The dividends from the sale of clergy reserves not to be invested in stock but held to meet bills drawn from Canada. The stock to be purchased from the sales to be jointly invested in the names of Hay and Stewart, and Sargent to be authorized to receive the dividends. 157
- September 17, London. Kempt to the same. Sends private memorandum on the subject of the Militia law in Lower Canada. 95  
*Enclosed.* Private memorandum on the Militia law of Lower Canada. 96
- September 20, Treasury. Stewart to Hay. The Lords of the Treasury will acquiesce in the recommendation of Goderich that the charge on the funds of Lower Canada should for the present be borne by the military chest but not for more than one year when the subject is to be again brought up. 158
- September 28, London. Order to deliver twelve volumes of American diplomatic correspondence to the British Museum. 260

63 VICTORIA, A. 1900

1831.  
October 7, Treasury. Spring Rice to Hay. Reports the purchase of stock on account of the clergy reserves in Upper and Lower Canada. Page 159
- October 11, Treasury. Stewart to Hay. The Lords of the Treasury understand that the appellant in the case of the £10,000 left by McGill has been advised by his solicitors not to prosecute the appeal. Their Lordships are willing to direct their solicitor to move for the dismissal of the appeal provided the Royal Institution shall defray the expense. 160
- October 17, Ordnance. Butler to the same. Transmits correspondence respecting obstructions to the navigation of the Rideau Canal by the river being dammed to admit of repairs to Merrick's Mill. Asks that Goderich instruct the Lieut. Governor of Upper Canada to take the measures that may appear to him necessary to remove these obstructions. 98
- Enclosed.* By to Respective Officers. The expected opening of the Rideau Canal on the 21st August prevented by Merrick damming the river to enable him to repair his mill. The necessity of preventing such interruptions. 99
- Respective Officers to Glegg. Report the damming of the Rideau by Merrick. 100
- Glegg to Respective Officers. Letter submitted to the commander of the forces. A communication should be made to Colborne on the subject. 101
- Respective Officers to Colborne's secretary. Send copy of By's letter and ask that the case be submitted to the Attorney General of Upper Canada for opinion and report. 102
- October 19, Glasgow. Finlay to Goderich. Introduces Dr. Burns who wishes to have a conversation on the religious interests of the colonies. 261
- October 27, London. Rees to Hay. Safe arrival of the North American geese to the Zoological Society. Fate of the Mogadore dogs. 262
- November 2, St. James's. Order-in-Council. That L. J. Papineau and John Neilson be appointed members of the Executive Council of Lower Canada. 7
- November 18, London. Gould to Goderich. Asks for an interview on matters relating to the commercial affairs of the Canadas. 263
- November 19, Quebec. Nichol to Bryce. *Enclosed* in Byham to Colborne's secretary, 30th December, 1831. 264
- November 21, London. Burns to Goderich. Has transmitted letter from Finlay thinking himself not entitled to presume on an interview. Sends also a short circular giving an account of the plans and operations of the missionary society. Three additional clergymen have been sent out since the paper was drawn up. States the object for which he desires an interview. 264
- Enclosed.* Circular of the Glasgow North American Colonial Society. 266
- State of the accounts. 279
- November 24, London. Freeling to Howick. Suggests how dispatches may be sent safely if it is desired to send them otherwise than by packet. 280
- November 26, London. Gould to Goderich. Sends Bayfield's report on deepening the channel of Lake St. Peter, in the St. Lawrence between Quebec and Montreal. 281
- December 10, Whitehall. Lamb to Hay. Asks that Goderich have inquiries made about John Delany who deserted his wife and emigrated to Canada. 9
- Enclosed.* Lieut. Governor Ross to Phillips. Transmits letter from the wife of Delany a pensioner, who has deserted her. 30
- Mrs. Delany to Ross, for information respecting her husband. 31
- Neave to Mrs. Delany. Presumes that Delany has received in Canada his commutation money, so that she cannot obtain a portion of the same. 32
- December 10, Treasury. Spring Rice to Hay. The Lords of the Treasury desire to have the opinion of Goderich on the application of Bouchette for half pay as a lieutenant of the provincial navy on the Lakes. 162
- Enclosed.* Memorial of Joseph Bouchette. 163

## SESSIONAL PAPER No. 8c

1831.  
December 19,  
Treasury.

Stewart to Howick. Encloses copy of letter and enclosure from Routh relative to the renewal of the agreement for the colonial brig "Kingfisher" and desires to know whether the renewal is necessary for the public service.

Page 167

Enclosed. Routh to Stewart. Transmits copy of letter from the deputy Quarter Master general conveying the authority of the commander of the forces to renew the contract with the colonial brig "Kingfisher" for two years.

168

Gore to Routh. Instructs him to renew the contract with the "Kingfisher."

169

December 20,  
London.

Hamilton to Howick. Regret of the Society for the Propagation of the Gospel at the decision of Goderich to diminish the grant.

282

December 22,

Extract from report by the Inspector General of Fortifications. Enclosed in Byham to Colborne's secretary 30th December, 1831.

December 23,

Whitmore to Howick. Sends return of rum, sugar &c., imported into Canada and other Maritime provinces for the last seven years, distinguishing each colony.

283

Enclosed. Return.

284

December 28,  
Hudson's Bay  
House.

Pelly to Goderich. In accordance with charter sends returns of all persons employed in 1830 and 1831.

182

1830. Northern department.

183

Governor .....	1
Chief factors.....	15
Chief traders.....	18
Chaplan 1, assistant 1 .....	2
Surgeon.....	1
Clerks .....	51
Servants .....	591
	<hr/> 679

1830. Southern department.

206

Chief factors.....	7
Chief Traders.....	11
Clerks.....	27
Servants.....	190
	<hr/> 235
	914

1831. Northern department.

215

Governo" .....	1
Chief factors.....	17
Chief traders.....	18
Chaplain 1, assistant 1.....	2
Surgeon.....	1
Clerks .....	56
Servants.....	703
	<hr/> 798

1831. Southern department.

242

Chief factors.....	7
Chief traders.....	10
Clerks .....	27
Servants .....	213
	<hr/> 257

Total .....1055

63 VICTORIA, A. 1900

1831.  
December 30,  
Ordnance.

Byham to Colborne's Secretary. The propriety of acquiring lands in Quebec in consequence of the danger to defence by the extension in front of and contiguous to the works. Lands marked on plan sent have been valued to be acquired if the price should be approved of. Sends extracts from a report by the Inspector General of Fortifications on the expediency of obtaining possession of the lots referred to, concurred in by the Master General and Board who have recommended that authority be given for the purchase. The propriety of an immediate purchase, in consequence of the increasing value of the land. Page 103

*Enclosed.* Plan of the lands proposed to be acquired. 107

Extract from report by the Inspector General. 108

Nichol to Bryce. As the purchase of the whole of the lots recommended by Durnford might be too expensive for the views of the Board of Ordnance recommends the purchase at present of lots B and C. 110

December 31,  
Treasury.

Stewart to Howick. Sends letter from Routh, respecting the government locks on the St. Lawrence and suggesting their transfer to the colony. 170

*Enclosed.* Routh to Stewart. The inadequacy of the government locks on the St. Lawrence for the increased trade, they must either be widened or others built, but to widen would stop all traffic. The same difficulty exists on the Erie Canal which may give trade to the Welland badly as it has been planned. Does not expect the Rideau Canal to be open this year the lock gates not being able to resist the pressure of the water; but even if it were open the Grenville Canal will probably linger another year or two. Forbes has he believes obtained estimates of the cost of enlarging the canals at the Cascades and at the Coteau du Lac or of building new canals of wider dimensions in the same positions. The estimates have been forwarded to the Ordnance but without communication with his department and the want of it embarrasses the opinion he wishes to give. The Legislature of the upper province will make the canals navigable for Durham boats between Prescott and Cornwall. The lower province has voted funds for the same purpose to Montreal. The La Chine canal has been widened and must now be enlarged. If any expenditure for government locks is disapproved by the Treasury, the Assembly for the lower province must go through with it or suspend that part of the prosperity of the province connected with the intercourse between the two provinces. It is a matter of policy to reflect if it be expedient to give up these locks to the province for a consideration equivalent to this increasing revenue or to retain them in the hands of the Treasury. Proposes to visit these locks as soon as he can prepare himself with the means of estimating the expense. The sum expended on the La Chine canal is realising a profitable interest. 171

Routh to Stewart. Sends copy of letter on the subject of the canals, which he has addressed to the commander of the forces who will report thereon. 175

Routh to Glegg. Calls attention to the state of the canals on the St. Lawrence and the cost of constructing another canal at the Cascades and the Coteau du Lac for which however, he should obtain professional estimate. 176

No date.

Signed J. K. (Kempt). Private memorandum respecting the bill before Parliament to amend the statute 14 George 3. 112

Prospectus of the British American Land Company. 285

lands in  
usion in  
ent have  
Sends  
tions on  
ncurred  
ed that  
mediate  
Page 103  
107  
108  
recom-  
e Board  
C. 110  
govern-  
r to the  
170  
ernment  
ither be  
he same  
Welland  
al to be  
e of the  
y linger  
s of the  
a Lac Or  
s. The  
mmuni-  
opinion  
ill make  
ornwall.  
ontreal.  
ged. If  
reasury,  
suspend  
procure  
if it be  
on equi-  
s of the  
are him-  
ded on  
171  
e canals,  
l report  
175  
a the St.  
cascades  
essional  
176  
the bill  
112  
285

## MISCELLANEOUS, 1831.

Part I. is paged from 1 to 220, part II. from page 221 to 407.

## Q. 200-1-2.

1830.  
October 25,  
Downing  
Street.  
1831.  
January 1,  
Kirkpatrick.  
January 7,  
Clonmell.  
January 9,  
Reigate.  
January 11,  
Brighton.  
January 14,  
London.  
January 15,  
Montreal.  
January 15,  
London.  
January 16,  
Three Rivers.  
January 20,  
New York.  
January 24,  
Sherbrooke.  
January 30,  
New York.  
February 2,  
Edinburgh.  
February 4,  
Quebec.  
February 12,  
York.
- Murray to Kempt. Enclosed in Darling to Colonial Secretary 2nd May, 1831.  
Singer to Goderich. Entertains the hope that the Church of England will voluntarily consent to a fair proportion of the clergy reserves being given to the Church of Scotland and that opposition may now be withdrawn, so that harmony between the two churches may prevail. Page 314  
Mary Barrow. Memorial respecting the property of her late uncle, Thomas Hanington.  
Memorial of Henry Grece for compensation for a large portion of land taken up for the construction of the Grenville canal. The estimated loss for which compensation is asked is £7,640.  
Taylor to Hay. Sends petition to be answered as Goderich shall see fit.  
Kennedy to Howick. Sends letter received from an unknown correspondent in Canada. As the subject may come under the notice of the Colonial office asks what answer he should return.  
Lancaster to the King. Enclosed in Taylor to Hay 2nd March, 1831.  
Howick to Hay. Is sorry to hear that he is ill. Sends him paper and has written to Kennedy to that effect.  
Hunt to Colonial Secretary. Recommends that the King use sulphur and common salt for gout and asthma.  
Pattison to Goderich. Is a Glasgow merchant. Remarks on the commercial treaties with the United States.  
Enclosed. Extract from a letter from McLane to Van Buren. Is in expectation of a change of duties in the colonial trade.  
Mrs. Tierney to Goderich. Applies for information as to the fate of the memorial she addressed to the King. The pitiful condition of herself and family. Her husband's loss of property and reason, the latter so far recovered that if he could find employment he would be still useful to his family; appeals for help.  
James Buchanan to Hay. Has forwarded letters to and from the Colonial office without remuneration. Learns from Aylmer that Mears is appointed agent to receive and forward dispatches. If there should be a paid office his son has a claim on it, if not the letters will be received and forwarded as heretofore.  
Petition of James Mallock for a passage to Quebec of himself, his wife and four children. He has a small landed property there, which he holds in right of his wife.  
Airey to Darling. Enclosed in Darling to Colonial secretary, 2nd May, 1831.  
Bishop (Anglican) of Quebec to Goderich. Presents for further consideration the question of the division of the diocese of Quebec into two, namely, the diocese of Quebec and that of York, the Archdeacon of Quebec to be Bishop of that diocese and he himself to be Bishop of York. He is confirmed by observation in the resolution of endeavouring to accomplish the object without unnecessary delay. The resources that would be available for the new diocese.



63 VICTORIA, A. 1900

1831.  
February 21, Sunderland. Froud to Howick. Reasons why instead of increasing the duty on Canadian timber it should be reduced if not altogether removed. Page 147
- February 22, London. Bouchette to Goderich. Thanks for His Lordship's gracious note respecting the map he is preparing. His desire to have the exact boundaries, knowing the importance attached to the limits laid down in such maps. 21
- February 23, New York. James Buchanan to Hay. Had forwarded dispatches to Colborne and Aylmer. Explains the reason for his varying from the prescribed method of sending the letters. 86
- February 23, New York. The same to the same (private). The intimate connection he has formed with Canada. Proposes a plan for the supply of silver and copper for Upper and Lower Canada. 38
- Enclosed.* Heads of a plan of a coinage for the British North American colonies. 89
- February 24, London. Rintoul to Hay. Submits in writing the substance of his remarks to be submitted to Goderich the topics being suggested to him by the secretaries of the Glasgow Society in connection with the Church of Scotland for promoting the religious interests of the Scottish settlers in North America. 302
- Enclosed.* Topics of conference (1) The importance of a limited endowment of the Presbyterian Churches in Canada, (2) The importance of endowing the professorship or professorships of theology for the education of a Presbyterian clergy, (3) The minister of the Presbyterian church at York—the same being in connection with the Church of Scotland—might be appointed resident Scottish chaplain to the garrison, (4) Mr. Rintoul, appointed to the church, solicits an introduction or recommendation from the Colonial office. Sends a pamphlet referred to in the conference. 303
- February 28, Quebec. Certificate by Routh. Enclosed in Darling to Colonial Secretary, 2nd May, 1831.
- February 28, Edinburgh. Malloch to Goderich. Urges that the prayer of his petition be granted. 198
- Enclosed.* Second petition from Malloch. 199
- March 2, Windsor. Taylor to Hay. Sends letter from Joseph Lancaster for Lord Goderich's consideration with the request that he should answer it. 341
- Enclosed.* Lancaster to the King. Prays for a lot of 100 acres on the Jesuit estate at the village of La Prairie to build a seminary and home. Any gift in money will be useful and will show in the province the interest the King takes in his people there. 342
- March 4, Shanagolden. Memorial of Mary Spillane that a letter may be transmitted to her brother Thomas free of postage. 316
- March 7, London. Bouchette to Hay. Asks him to lay memorial before Goderich and to give it his support. 23
- Enclosed.* Memorial for an advance of £500 on the responsibility of the office he holds. 24
- March 15, London. Stainbank to Goderich. Sends detailed information of the effect that would be produced by a change in the timber duties as proposed. 317
- Enclosed.* Comparison of prices between the deals from various countries. 322
- March 15, New York. James Buchanan to Hay. Forwards a bag of dispatches for Goderich. The precautions he has taken for its safety. Has received thanks from Aylmer and Colborne for the dispatch he has exercised. 95
- March 18, Three Rivers. David Chisholme to Under Secretary for the Colonies. Is collecting materials for a work on Lower Canada and cannot find the proclamation issued by Amherst after the capitulation in 1760. Its tenor was to establish courts of justice. Asks for a transcript. The only person he

## SESSIONAL PAPER No. 8c

1831.

- March 22, 1831. knows in London is John Galt the author. His poverty alone prevents him from coming to London to search for materials. Page 98  
Dover. Plenderleath to Goderich. Asks if any answer has been received from Aylmer respecting the delays in the Canadian courts in the Plenderleath case. 227
- March 24, James Buchanan to Hay (private). Had sent observations as to a coinage for the provinces. Since then a report has been made to the Congress of the United States on the same subject of which he sends a copy. 96  
New York. Catherine Slattery to Colonial Secretary. Asks that a letter enclosed may be sent to its proper direction. 325
- March 28, Creighton to Hay. Offers to carry dispatches to Aylmer or Colborne. 101  
Clonmell. O'Hara to Colonial Secretary. Sends particulars respecting Martin Kelly whose heir he alleges himself to be. 219
- April 2, Memorandum respecting the British North American colonies which may be used by Viger in his intercourse with public men in England on the general interests of the British Government and nation. 360  
London. Burton to Goderich. His regret that no provision is made for the Lieut. Governor of Lower Canada. If the legislature does not make provision, unless the Lieut. Governor be resident, asks that he receive two-thirds of his salary for life. 4
- April 4, Petition of Mills. States that he holds a small estate in the seigniority of Sillery the tenure of which he wishes to change to soccage. The obstacles interposed by the Council whose report he sends. Asks that directions be sent that a commutation be allowed of lands held in the seigniories of the Jesuit estates. 201  
Cosmolina. *Enclosed.* Report of Council. The retention of the feudal tenure it is thought would be of benefit to the interests of the Crown for reasons given. 203
- April 4, Mills to Hay. Sends memorial to Goderich for a conversion of tenure. Owing to the state of his health it was now especially desirable to have his claims settled as Secretary to the Royal Institution. Adduces statements to show that he may now be paid from the proceeds of the Jesuit estates. 205  
Chelsea. Page to the same. Sends letter to Wilmot Horton open so that he (Hay) may read it, it being through him the favour asked for may come. 228
- April 7, Mrs. Webb to — She is the widow of Webb late minor canon of St. Paul's, London, and of St. George's Chapel, Windsor. To support herself and family she removed to London to take boarders. The first was Bouchette whom she was obliged to arrest for not paying his board. 369  
Chelsea. *Enclosed.* Note from Bouchette asking Mrs. Webb to make up her bill. 371
- April 8, Bainbridge to Hay. Sends memorial and will call on Goderich. 5  
Newbury. *Enclosed.* Memorial with list of lands taken by his firm for debt which he asks to be regranted. 6
- April 13, Act passed 22nd March, 1823, to make further provision for the Lieut. Governor of Lower Canada. 12  
London. Bouchette to Hay. His astonishment at the charges brought against him by Mrs. Webb; explains the events attending his boarding with her, his arrest, &c. 28
- April 19, Webber and Bland to the same. Explain the course followed by Bouchette and the want of courtesy shown to him by Mrs. Webb, and her attorneys. 372  
London. Marks to the same. Sends letter which he asks him to read, although it contains irrelevant matter. 346

63 VICTORIA, A. 1900

- 1831.
- Enclosed.* Marcoux to Tiarks. (In French.) His disappointment at no result being arrived at by the journey of the Indians. The statement of Kempt that he has not the funds necessary to make the repairs to the churce and presbytery at Caughnawaga. Page 347
- April 20, London. Cane to Goderich. Is the Canadian Militia a permanent corps? Who gives the appointments? 102
- April 23, London. Bouchette to Hay. His gratitude to Goderich for His Lordship's extreme kindness. 34
- April 28, Reigate. Henry Greece to Goderich. In obedience to His Lordship's commands, he has engaged Charles Palsgrave to apply to the Colonial Government for settlement of his claim and has given him a power of attorney for the purpose. Asks for official authority to the Governor to acknowledge Palsgrave. 155
- May 2, London. Darling to Colonial Secretary. Points out that the reason alleged for not granting him remuneration on the abolition of the Indian department is incorrect as he did not receive nine months pay whilst on leave of absence immediately preceding the abolition. He only received four month's pay and asks for pay for the other five months. Although he was only a short time an officer of the department he attended to the business for nine years during the time he was military secretary. During his nominal leave of absence he was actually engaged with His Majesty's government giving important information respecting Indian affairs. 138
- Enclosed.* Airey to Darling. Sends letter from the Colonial Secretary in reply to the recommendation of Kempt for a gratuity to him (Darling) on the abolition of the office he held in the Indian department. 141
- Murray to Kempt. Having drawn nine months' full pay whilst on leave of absence immediately preceding the abolition, Darling can receive no gratuity. 142
- Certificate by Routh that Darling received pay to 24th December, 1828, and no longer. 143
- May 3, Ballylangford. Hennessy to Goderich. Inquires after the property of de Cantillon who died in a British settlement in America, leaving no issue. He (Hennessy) being the nearest relative, asks that any information received may be sent to him. 169
- May 5, London. Burton to Goderich. Sends Act of Lower Canada passed in 1825 relative to the Lieut. Governor being in the province at the same time as the Governor. He and Dalhousie were on good terms till after His Lordship's return to England. Hopes that no one is trying to excite a prejudice against him on this ground, if so, he desires to know the charge. The efficiency of his government during Dalhousie's absence. The favour he solicits is as natural for him to ask as for His Lordship to grant. 10
- May 9, Chelsea. Memorial of W. Pardey, M.D. Stating his medical services to Indian villages, and praying for remuneration. 232
- May 13, London. Petition of Mills for payment to him as Secretary of the Royal Institute of £720 sterling out of the Jesuit estates. 208
- May 13, Dover. Plenderleath to Hay. Sends petition to Goderich respecting the delay to the case in the Canadian courts. 229
- Enclosed.* Petition. 230
- May 14, London. Burton to Goderich. Thanks for permission to return to Lower Canada. 15
- May 16, Edinburgh. Lee to the same. Transmits memorial on behalf of ministers and congregations in communion with the Church of Scotland in British colonies. Hopes to have an acknowledgment before the close of the General Assembly. 185
- Enclosed.* The memorial. 186

SESS

1

May 1  
LondonMay 1  
LondonMay 1  
LondonMay 2  
QuebecMay 2  
QuebecMay 28  
LondonMay 28  
LondonMay —  
CrossmJune 1,  
Rome.June 2,  
Quebec.

## SESSIONAL PAPER No. 8c

1831.

May 18,  
London.

Thompson to Hay. His experience as a surveyor. He desires to go to Canada, provided the government would give encouragement. Page 352

May 19,  
London.

Skey, M.D. to——Certificate of the services of Dr. Pardey as medical attendant at the Indian villages in the district of Montreal. 234

May 19,  
London.

Bishop (Anglican) of Quebec to Goderich. Transmits memorial of the Rev. Dr. Mills. States the duties devolving on him as Secretary of the Royal Institution and strongly recommends his case for favourable consideration. 238

May 27,  
Quebec.

Hale to the same. Sends memorial for leave to retire and that his son may succeed him as Receiver General, with a smaller security to be furnished, the sum being reduced to £10,000, to be kept by the Receiver General. 173

May 27,  
Quebec.

Petition of John Hale to Earl Grey for leave to resign his office of Receiver General to be succeeded by his son. The sum in the hands of the Receiver General being limited to £10,000 the security given should be reduced. 400

May 28,  
London.

Memorial by Fay for remuneration for losses incurred by the not obtaining redress for claims he had against the Vice Admiralty Court. Encloses papers relative to his claims which he had substantiated before the House of Assembly, Quebec. 150

May 28,  
London.

Wilkes to Goderich. Sends copy of circular issued by his coadjutor and himself on behalf of the Canada Education and Home Missionary Society, for a contribution towards its objects. 375

May —,  
Crossmolina.

Enclosed. Circular entitled "An Appeal to British Christians on behalf of their countrymen in Canada" with testimonials. 377 to 397  
O'Hara to Colonial Secretary. Further respecting the property left by Martin Kelly; has had no answer to his last letter. If he has no answer to this he will be under the unpleasant duty of going to London to see His Lordship. (O'Hara elsewhere.) 220

June 1,  
Rome.

Thavenet to Bramstone (in French). Asks if he would render the same services as Dr. Poynter; has been informed that he is disposed to do so, but that Dr. Poynter having been twice mortified for two individuals for whom he had answered, he (Bramstone) would interest himself only with those furnished with letters of priesthood or attestations from their bishops and superiors. Thanks for his goodness, but Poynter never had trouble on account of the priests of St. Sulpice. He had twice solicited permission for priests to go to Canada, once in 1823 and the second time in 1825. The three who went to Canada all occupy eminent places so that Poynter had no cause to repent on their account and no one will be presented to him (Bramstone) unless furnished with the proper documents. Hopes for first, a general permission for all members of St. Sulpice who seek refuge to come to Montreal and then individual permission. After the revolution of July he had desired to return to Canada with those of his fellow members who wished to take refuge there, but was told by Monseigneur Panet that his fellow Sulpicians from France could not be received without permission. Not wishing to expose to a refusal those he wished to take with him he had gone to Rome to beg the Pope not to oppose the reception of their confreres by the Sulpicians of his diocese. The Pope had done so, but he (Thavenet) had remained at Rome to settle all disputes between the Seminary and Panet. 104

Enclosed. Kempt to Quiblier. Congratulates him upon his appointment of vice superior of the Seminary, but regrets the infirm state of the health of M. Roux. 105

June 2,  
Quebec.

Memorial of Judge Kerr. Stating his services and praying for 5,000 acres of land, which he is to be allowed to select from the Crown reserves. 176

63 VICTORIA, A. 1900

1831.  
June 6,  
London.

Hood to Goderich. States the history of the order enclosed, dated in 1824 and of the case of the family of James Smyth who settled in Philadelphia and died there. He was successful as a distiller and his family would come to Canada with their capital if they could obtain land for which the establishment of their business would be an equivalent.  
Page 170

*Enclosed.* Order dated 9th August, 1824, for James Smyth to be granted lands in Upper Canada.  
171

June 7,  
Quebec.

Kerr to Goderich. Would not have applied direct, but that Aylmer would not forward the application on the ground of Glegg's letter, but his case is exceptional and should not come within the scope of the instructions. As he believes he is well known in the colonial office he submits his petition.  
178

*Enclosed.* Glegg to Kerr. By instructions from Goderich no applications for land are to be forwarded.  
180

June 15,  
London.

Extract from these instructions.  
181  
Woolley to Under Secretary for the Colonies. Asks advice relative to a tract of land in Lower Canada granted to his father as a loyalist.  
399

June 20,  
Edinburgh.

Leo to Goderich. Transmits petition sent to him as clerk of the General Assembly. Regrets that the statement is so meagre and that he cannot supplement it. Had sent out queries to all the townships of Upper and Lower Canada. No returns were sent from Toronto, but a petition relative to the claims of members in communion with the Church of Scotland was afterwards signed by above 230 males understood to be heads of families. The imperfect nature of the information sent. Some communicated directly with the colonial office. Hopes that whatever is done may be officially reported to him.  
192

*Enclosed.* Petition from inhabitants of the township of Toronto that they have applied for a minister of the Church of Scotland and petition for aid.  
194

June 21,  
London.

Bishop (Anglican) of Quebec to Hay. Thanks him for having obtained a refund of £1.13.3 of postage.  
241

July 5,  
London.

The same to Goderich. Sends a plan for the appropriation of the clergy reserves for the maintenance of a Protestant clergy. The plan refers only to Upper Canada, but may form the basis for a similar arrangement in Lower Canada.  
242

*Enclosed.* Scheme for the appropriation of the clergy reserves. (1) That every township be divided into two parishes. (2) That in each parish 200 acres should be affixed to each parsonage. (3) That out of the lands so appropriated, not less than half should be settled upon each parish. (4) That after the settlement of this endowment a further reservation be made for the support of one Bishop and two Archdeacons. (5) That after making these reservations, the residue of the reserves be sold and the proceeds invested in the British funds, the interest to be applied to the remainder of the stipends of the Bishops, Archdeacons and parochial clergy. (6) That after the revenue from the reserves shall be adequate to the maintenance of the Bishops, Archdeacons and clergy, the surplus shall be appropriated to the extension of their numbers. Observations and explanations are attached to each clause.  
246

July 11,  
Dublin.

Thorne to Colonial Secretary. Writes for information respecting land (5,000 acres) on the St. Lawrence granted to his uncle.  
326

July 13,  
Quebec.

Memorial of A. W. Cochran for his continuance in the office of Executive Councillor, the reason for the renewal being refused being incorrect, as he does not hold a judicial situation as alleged.  
107

July 20,  
Boston.

Jared Sparks to Hay. Has ordered copies of his work, the "Diplomatic correspondence of the American revolution" to be sent to the Colonial office. Has asked Meyer to have copies sent to their destina-

Q. 20

SESS

18

July 20  
Boston

July 21  
Edinbu

July 21,  
London.

July 23,  
London.

July 25,  
London.

July 27,  
London.

August 7,  
London.

August 9,  
Paris.

August 20,  
Edinburgh.

dated in  
settled in  
and his  
ld obtain  
equiva-  
Page 170  
th to be  
171  
Aylmer  
etter, but  
f the in-  
office he  
173  
no appli-  
180  
181  
relative  
yalist.  
399  
k of the  
and that  
ships of  
to, but a  
with the  
es under-  
ormation  
Hopes  
192  
onto that  
petition  
194  
having  
241  
on of the  
The plan  
similar  
242  
res. (1)  
t in each  
at out of  
on each  
a further  
deacons.  
erves be  
est to be  
adeacons  
reserves  
eons and  
eir num-  
e. 246  
pecting  
326  
office of  
ed being  
107  
"Diplo-  
at to the  
destina-

## SESSIONAL PAPER No. 8c

1831.

- July 20,  
Boston. tion. Acknowledges the many civilities he received in the public offices in London in aid of his historical researches. Will use with discretion and regard to truth the materials he collected. 327  
Jared Sparks to Meyer: Has sent copies of "Diplomatic Correspondence" in a box for the Colonial department. One copy is for the Colonial library, the others for different departments and individuals. Thanks for his kind attention. 329
- July 21,  
Edinburgh. Dobbie to Goderich. Inquires respecting Alexander Murchison, late private in the Canadian Fencibles, father of his servant. 144  
*Enclosed.* Particulars respecting Alexander Murchison, late private in the Canadian fencibles. 145  
Lukin to Mary Murchison. The application for information respecting her father should be made to Goderich. 146
- July 21,  
London. Bishop (Anglican) of Quebec to Goderich. Sends statement of the clergy of the Church of England in Upper Canada. There are 50 churches and 8 parsonages. Will send at a future time their probable cost and other information. 253  
*Enclosed.* Statement of the clergy and congregations of the Church of England in Upper Canada, showing the names of the clergymen, names of the stations, number of congregations served and number attending the several congregations. A summary by the Bishop shows that there are 42 clergymen of the Church of England who serve 138 congregations and minister to 25,127 souls, hearers or adherents. The total number of adherents scattered in the province is about as many more. 254
- July 23,  
London. Stanley to Howick. Has given Audubon letters to gentlemen officially employed by government in the United States and adjoining territories to assist him in his explorations. Asks for further recommendations from him (Howick) or Goderich. 330
- July 25,  
London. Bishop (Anglican) of Quebec to Goderich. Sends calculation of expenses incurred by the people of Upper Canada in support of the church in that province. 257  
*Enclosed.* Calculation of expenses. 258  
List of churches and parsonage houses in Upper Canada. 259  
Report of the Executive Council of Upper Canada, 21st November, 1825, on the building and endowment of rectories and parsonages. 261
- July 27,  
London. Bishop (Anglican) of Quebec to Goderich. Sends two documents respecting the Church of England in Upper Canada. 267
- August 7,  
London. The same to the same. Objects to two colleges in Upper Canada. Proposes that the charter of King's College be surrendered and a new charter issued containing no provision favourable to any religious denomination, but the president to be of the Church of England with the governors to be composed of certain officials. His objection to two rival institutions in the present infant state of Upper Canada and at present the number of students must be limited. It will be expected that provision will be made for a theological seminary and professor of the Church of England but no similar provision for any other denomination. 268
- August 9,  
Paris. Latouche dit Garrigues. Memorial (in French) for leave to go to the Seminary in Montreal to be employed in the education of youth or such other works as may be directed by the superior. 116  
Certificate by the Roman Catholic Archbishop of Paris of the irreproachable conduct of Latouche dit Garrigues, his zeal &c. 117  
Memorials follow of Pellisier and Billaudel with certificates in each case. 118 to 122
- August 20,  
Edinburgh. Lee to Goderich. Transmits petition from inhabitants of London Town-ship formed into a congregation in connection with the Church of Scotland who cannot contribute more at present than £30 towards a minister's stipend. The Glasgow Society would be disposed to allow £50



1831.	a year, if government would do the same, but it is not likely a qualified person could be got under £130 to £150 a year. Has received no account of the number or circumstance of the applicants. Has sent inquiries.	196
August 20, Paris.	Napier to Hay. Proposes an arrangement on board steamers for the reception of letters by which they might be conveniently taken charge of.	217
August 23, London.	Bishop (Anglican) of Quebec to Goderich. Asks that authority be given to pay Rev. A. F. Atkinson of Montreal and Rev. D. Robertson of Matilda £50 each per annum, and £30 per annum to Rev. V. P. Mayerhoffer, promised by Aylmer and Colborne but which they have declined to pay till they have received authority from His Lordship. Amounts paid to the respective clergymen. Asks also for £73 per annum for Mr. Elliot of York.	282
August 23, London.	The same to the same. Reasons for the division of the diocese of Quebec into two Sees.	285
	Enclosed. Extract from letter of the Bishop of Quebec to the Archbishop of Canterbury, 12th May 1829 on the same subject.	288
August 24, Edinburgh.	Petition of Mills for payment of his salary as Secretary of the Royal Institute, his petition of May having been rejected.	214
August 27, London.	Whiting to —. Had accompanied Mrs. Carvalho at the hour appointed. His time is of value and he cannot understand why an answer cannot be returned on the question of the genuineness of her daughter's marriage with Beaubien.	398
August —, London.	Elenor Carvalho to the Colonial Secretary. Requests him to sign certificates to enable Henry Beaubien to sell his lands in Montreal.	114
September 1, London.	King to Hay. Inquires respecting lands in South Carolina.	182
September 13, London.	Richardson & Connell to the Colonial secretary. Request that James Fraser, a fraudulent bankrupt be brought back from Canada to Scotland.	306
September 21, Corofin.	Charles Macnamara to Colonial Secretary. His brother Thomas, pursuer on the <i>Psyche</i> retired on half pay and obtained a grant of land of 800 acres. He died in 1825—and if he has left no issue, he (Charles) as next of kin asks for the land.	216
September 28, London.	Aspinwall to Meyer. Asks for delivery of the books left by Jared Sparks.	1
October 4, Quebec.	Buchanan to Hay. Thanks to Goderich for offer of assistance from Upper Canada, which he does not require and declines in virtue of leave granted to do so. As to going to England he did not think of doing so while navigation is open, but thought he might get leave for the winter and thus be able to give more information than he could do by correspondence. The state of his health and Aylmer's approval lead him to hope he is not presuming in making the request.	16
October 9, Downing Street.	Hay to Mrs. Tierney. It is not in the power of Goderich to afford her any assistance.	345
October 10, Quebec.	Christie to Goderich. Sends copies of resolutions passed by his constituents of Gaspé complaining of grievances on the part of the Assembly in excluding Gaspé from nomination.	123
	Reports of meetings in various towns &c. within the county of Gaspé concurring in the resolutions passed at the county meeting.	124 to 129
	Resolutions passed at the county meeting respecting the expulsion from the Assembly of the person elected to represent the freeholders of Gaspé in the House.	130
October 13, London.	Richardson and Connell to Colonial Secretary. In accordance with Hay's letter send warrant signed by the proper judge for the arrest of James Fraser.	308

## SESSIONAL PAPER No. 86

1831.  
October 15,  
London.

Taylor to Goderich. Suggests settlements to the north of the present settlements in Lower Canada. The surveyor general informed him of a tract explored and partially settled nearly 100 miles north of Quebec. The extensive country from Quebec, S.W., to the western boundary line might afford settlements for a great emigration. Page 354

October 23,  
Lynnington.

Buror to Colonial Secretary. Asks that the letter to Ogden be forwarded with the first government dispatches to Canada. 19

October 24,  
London.

Richardson and Connell to Colonial Secretary. Ask him not to transmit to the governor of Lower Canada, the warrant for the arrest of James Fraser till the creditors shall determine whether they shall bear the expense of bringing him to Scotland for trial. 309

October 28,  
London.

The same to the same. The creditors of Fraser have determined to apply for a fresh warrant with the concurrence of the Lord Advocate which they think will strengthen their case in the Colonial Court. 310

November 12,  
London.

Galt to Howick. Asks for an interview as in the formation of a colonial land company, a proposition may be made respecting the Crown reserves of Lower Canada. 157

November 18,  
London.

The same to Goderich. Has been drawing together the means of forming a colonial land company and desires to know the terms on which the Government would sell the Crown and clergy reserves, or either in Lower Canada. States the conditions on which the bargain should be made. Sends prospectus. 158

November 18,  
London.

Enclosed. Prospectus. 161  
Galt to Goderich. In presenting an overture that may lead to business, he is not actuated by any expectation as to the appropriation of the proceeds as he was in the formation of the Canada Company. Thanks for His Lordship's trouble for examining the claim. Although he must submit to the decision he cannot acquiesce in it without knowing the grounds on which it was formed. 164

November 21,  
London.

Bouchette to the same. Sends copy of letter from Sir Herbert Taylor and extract from letter to him transmitting the second volume of his work. Calls attention to the King's gracious expressions. Hopes for His Lordship's recommendation for the honorary mark of the King's approbation. 35

Enclosed. Taylor to Bouchette. The Queen's thanks for the volume of landscapes. The application for knighthood must come through the colonial office. 37

Memorial of Bouchette. States his services and the unanimous recommendation of the Assembly and prays for a township in Lower Canada. 39

Address of the Assembly, stating Bouchette's services and recommending a grant of land to indemnify him. 47

Sketch of the chief features of the services of Joseph Bouchette, from 1790, in the naval, military and civil departments. 48

Appendices A to I. 59 to 67

November 24,  
London.

Richardson & Connell to Colonial Secretary. Send another warrant for the arrest of Fraser, which they request His Lordship will direct the Governor of Lower Canada to carry into effect. The creditors will defray the expense of bringing him to Scotland for trial. 311

November 29,  
Clones.

Collins to Colonial Secretary. How can a clergyman of the established church apply for appointment in America and what would be the emolument? 137

November 29,  
Montreal.

Memorial of Willan. That he resigned the office of law clerk of the Assembly at the instance of Kempt, on the assurance that he would get another situation. As that has not been given; prays for an indemnity. 402

63 VICTORIA, A. 1900

1831.  
December 5,  
London. Williams to Hay. Had received 1,200 acres and had obtained the patent. Now finds that a large part is on a mountain, incapable of cultivation and applies for leave to surrender the grant and to obtain an equivalent number in some other township. Page 406
- December 12,  
London. Bouchette to Howick. Applies to have letter from Viger appended to his memorial for lands. 68  
*Enclosed.* D. B. Viger to Bouchette. Certifies to his application and activity. The advantages his work as a Surveyor General have been to the country. The estimation in which he is held in Lower Canada as shown by the actions of the House of Assembly. 69
- December 12,  
London. Bouchette to Goderich. Offers thanks for communication, which although it forbears acceding to his wishes, contains an intimation of His Lordship's great kindness. Hopes that another application will be regarded in a favourable light. 71
- December 16,  
St. Eustache. Memorial of Avery Story. States his services during the war of 1812 and applies for a grant of land in Lower Canada. 331  
*Enclosed.* Certificate of Story's services by Fortune, late Lieut.-Colonel of the 1st Regiment of Prescott militia. 334
- December 19,  
Quebec. Sewell to Hay. States his long services as a circumstance in aid of his son's application for employment in the expected establishment of a custom house at Montreal or in that of Quebec. 335
- December 19,  
York. Strachan to Goderich. Sends, as president, memorandum on King's College, York. Cannot understand how the changes proposed in the charter of King's College are prevented and that no direct communication has been made to the president and Council on the subject, who are best qualified to give information. Those who have prevented the changes have much to answer for and if they think on the ruinous effect on the rising youth, it must be to them a matter of lasting regret. Is ready to accept any modification of the charter, reserving the endowment which is sufficiently moderate. The differences in educational advantages between Upper Canada and New York. 271  
*Enclosed.* Memorandum respecting the University of King's College, Upper Canada. 273
- December 20,  
London. Bouchette to Howick. Sends memorial which he hopes may be submitted to Goderich as early as possible. 73  
*Enclosed.* Memorial by Bouchette. His regret that his application for a grant of land had been refused as contrary to the regulations. The embarrassment caused by the expensive nature of the work he has published. The increase of emigration which would enable him to be of use as a commissioner. 74
- December 20,  
Quebec. Duke of Kent to Bathurst. Has seen Bouchette, who is full of gratitude to him (Bathurst). Urges the bestowal of knighthood on Bouchette in recognition of his services. 79  
Other documents on the subject. 81
- December 20,  
Quebec. Thomas to Goderich. Sends letter to the King to be submitted. Is anxious to become deputy storekeeper, for which he believes his services qualify him. 356  
*Enclosed.* Thomas to the King. Refers to his application for his son, and applies to be made a deputy storekeeper in succession to Gore. His services. 358
- December 31,  
Cahernsta. Memorial of Rutledge for a grant of land in Canada in lieu of an arrear of £440 due to his late mother. 312
- No date. Petition of Mary Homer for relief, she being a soldier's wife deserted by her husband. 167  
Petition of the Bishop and clergy of the diocese of Quebec represents the efforts making by a committee assuming the title of the "Friends of Religious Liberty" to secure the sale of the clergy reserves for education and internal improvements. The most active promoters are Methodist

ained the  
capable of  
obtain an  
Page 406  
pended to  
68  
ation and  
e been to  
Canada as  
69  
n, which  
nation of  
n will be  
71  
ar of 1812  
331  
e Lieut.-  
334  
n aid of  
ment of a  
335  
n King's  
d in the  
mmunica-  
who are  
ated the  
ous effect  
gret. Is  
endow-  
ucational  
271  
College,  
273  
be sub-  
73  
plication  
ons. The  
t he has  
to be of  
74  
of grati-  
hood on  
79  
81  
tted. Is  
services  
356  
his son,  
ore. His  
358  
n arrear  
312  
deserted  
167  
presents  
riends of  
ducation  
thodist

## SESSIONAL PAPER No. 8c

1831.

mostly ordained in the United States, having no connection with the Methodist Conference in England, nor ecclesiastical dependence on any religious denomination in the British dominions. The petitioners have no doubt that, as is usually the case with petitions of this kind, by the efforts of itinerant preachers and others, a more than ordinary number of names may be secured. The clergy have abstained from a counter agitation to oppose the movements of this self-constituted committee. Necessity of the clergy reserves to support an educated clergy. Elaborate defence of the reserves.

Page 291

1  
Sept  
1  
Janua  
York.

Janua  
Quebec  
Janua  
York.  
Febru  
York.

Februa  
York.  
Februa  
York.

## STATE PAPERS, UPPER CANADA.

LIEUT. GOV. SIR J. COLBORNE, 1829.

## Q. 351-1-2.

1827.  
September 24, 1829. (Part I. from page 1 to page 268, part II. from 269 to 418).  
Macaulay to —. Enclosed in Colborne to Murray, 28th February, 1829.
- January 12, 1829. Colborne to Murray (No. 2). Reports the death of Ridout, Surveyor General. Chewett appointed to take charge till the King's pleasure be known. Recommends that he be appointed and that James Grant Chewett succeed him in his present office. Page 2  
Enclosed. Memorial of Chewett. States his services and prays that Colborne recommend him to succeed Ridout. 4
- January 31, 1829. Bishop (Anglican) of Quebec to Colborne. Enclosed in Colborne to Hay, 2nd April, 1829.
- January 31, 1829. Colborne to Murray (No. 1). Sends journals of the legislature for the session 15th January to 25th March, 1828. 1
- February 13, 1829. The same to the same (No. 3). Transmits copy of his speech at opening the legislature and copies of addresses in reply. 12  
Enclosed. Copy of speech. 13  
Address of the Legislative Council. 17  
Reply. 21  
Address of the Assembly. 22  
Reply. 28
- February 13, 1829. Colborne to the Bishop of Quebec. Enclosed in Colborne to Hay, 2nd April, 1829.
- February 16, 1829. Colborne to Murray (No. 4). Had delayed writing till he could form a judgment of the state of the parties in the Assembly. Much of the discontent has originated in jealousy of those holding the chief official situations at York. That and discussions on the naturalization bill and the clergy reserves gave the licentious press an opportunity to create a clamour now felt in every part of the province. The question of the college charter and the case of Judge Willis had such a decided influence on the late general election that many objectionable members were returned. Has no doubt that the Assembly will refuse aid from the provincial funds should the Crown revenues be found inadequate. Discusses the subject of the duties raised under the Act 14 George III, cap. 88, which have not been sufficient to defray the expenses of civil administration. Last session the amount was not voted till late and then only on consideration of the embarrassment the want of it would cause. Fortunately the Crown revenues will be sufficient for the current year and in future sustain the civil establishment. Has received addresses from the Assembly for detailed statements of the sale of Crown lands &c. of the amount of casual and territorial revenues, of the arrangement with the Canada Company and of the grant to the University. Copies of addresses sent. Has refused to give information in several cases. Most of the returns were moved for by the editor of a York paper so as to keep up a spirit of discontent. The propriety of changing the terms of the charter to King's college, in which case the Grammar school should be incorporated with the Royal



63 VICTORIA, A. 1900

1829.

College. The necessity for good schools. The absurdity of having a university without good preparatory schools. Whoever may be appointed to the Council, there will always be jealousy of its influence. The members must necessarily live at York and can seldom be able to accept the charge without holding other offices. The Chief Justice should retain his seat although at times he must be led too deeply into political affairs. Composed as the Legislative Council is, the public has a right to complain of the influence of the Executive Council on it. The composition of the Council.

Page 29

*Enclosed.* Address of the Assembly for a copy of Robinson's commission as Commissioner of Crown lands and as to the mode of disposing of them.

36

Reply that copy of Robinson's instructions shall be sent. Shall take the King's pleasure on the other point.

38

Address for copy of the commission of the Receiver General with other documents relating to that office.

38

Reply, that copies of the documents asked for so far as was compatible with the public service shall be laid before the House.

40

Address for full account of the money received from the Canada Company and of its expenditure.

41

Other addresses for papers &c.

42

February 19,  
York.

Colborne to Murray (No. 5). The inefficiency of the militia. Proposes to amend the law, so that men from the age of 18 to 40 could be called out four times a year, the others not to be called out in time of peace.

51

*Enclosed.* Message to the Assembly recommending changes in the militia regulations.

53

February 25,  
York.

Macaulay to Colborne. Enclosed in Colborne to Murray, 28th February, 1829.

February 28,  
York.

Colborne to Murray (No. 6). Sends statement of Macaulay in reply to observations by Justice Willis.

55

*Enclosed.* Answer to the charges made by Justice Willis, with a sketch of his (Macaulay's) military services, his training for law, &c.

56

Other papers relating to the subject dated in 1827.

63, 64

March 5,  
York.

Colborne to ——— Sends an account of the proceedings in the case of Collins charged with libel, sentenced to imprisonment and a fine. The burning of the effigy of the governor in Hamilton; the subject brought up in the legislature which he regrets as it is not a matter of much consequence.

65

Editorial from the *Albion* of New York relating to the case of Collins

69

Memorial of Collins for a remission of sentence.

71

Report of the Executive Council on the case of Collins.

73

Report of Judge Sherwood on the case.

77

Mudge to Collins. The Lieutenant Governor cannot grant his petition

79

Resolution of the legislature on the answer made by Colborne to the memorial in favour of Collins.

80

Memorial of the legislature for remission of sentence on Collins.

82

Answer of Colborne regretting he cannot comply with the memorial to remit the punishment of Collins.

83

Offer of a reward for the discovery of the person who posted treasonable notices at Hamilton.

83

March 31,  
York.

Colborne to Hay. Shall transmit as soon as possible information respecting Crown lands and the University. Has taken a different view of affairs in the province from the Archdeacon and will not allow the building of the University before the charter has been obtained. It would be madness to have a university before there was a seminary to

Q. 3

SESS

1

April 2,  
York.

April 3,  
York.

## SESSIONAL PAPER No. 8c

1829.

prepare for it. The good that might be effected by the establishment of a school at York. Is anxious to do everything possible for Dr. Strachan, but is afraid that his political course has destroyed his clerical influence and much of the bitterness of the dissenters towards him falls on the established church. Shall lose no time in sending the resolutions of both Houses respecting the University charter, they are both of opinion it should be revised and he thinks a change is warranted. The reliance he places on an excellent school with exhibitions, &c., so as to attract boys from all parts of the province. The unanimous opinion of the Executive Council, the college council and the Board of education as to the good that could be effected by such an institution. The anti-British feeling spread by the influence of four or five newspapers. The methodist preachers, who are all from the United States, are charged with undermining the loyalty of the people, but their hostility is directed against the established church and by seeking to strengthen their influence they have become a political body and it is of great consequence to plant two or three travelling episcopal missionaries in every district, for the supineness of the church is lamentable. Many would be fit for a quiet country parish in England, but with a population scattered over so great an extent cannot stand against the Methodists. The people notwithstanding the efforts made to corrupt them are quiet and contented. The mischief done by the report of the committee of the House of Commons and by the evidence of Stephen which is quoted by all the mischievous papers and his absurd opinions have done harm. How the schools should be organized.

Page 85

*Enclosed.* Colborne to Philipps. How the college is to be organised.

92

Colborne to Hay (private). Has sent Murray a map of Upper Canada containing the Crown lands. (The contents of each district are noted.) The Crown and clergy reserves make up the remainder. The last instructions for the disposal of the lands are not generally exceptionable but some alterations may be made. Recommends certain alterations calculated to attract settlers. The disadvantage of granting townships in blocks.

94

*Enclosed.* Bishop (Anglican) of Quebec to——. The necessity he feels to watch over the reserves on behalf of the church. It has been suggested that an agent should be sent to London to put government in possession of the real facts of the case, but this he thinks to be premature.

104

Colborne to the Bishop of Quebec. Strachan has taken alarm at some of his (Colborne's) proceedings, but while desirous to do everything possible for Strachan, he cannot hide the fact that his political proceedings have destroyed his clerical influence, injured the interests of the episcopal church and, he is afraid, of religion also. It is fortunate he was not allowed to go to London. Thinks it absolutely necessary a royal college should be built for the education of boys, before King's College is begun; there is not a tolerable school in the province. Believes that the Bishop is right, that Ministers have not yet come to a decision respecting the clergy reserves.

106

The same to Murray (No. 7). Sends addresses and other documents relating to the case of Francis Collins convicted of libel, whose liberation is prayed for. There being charges against the judges and Attorney General, he has directed them to transmit explanations to be laid before government. Now forwards them. Statement of the case of Collins. Petitions for his release not granted. Messages sent to the Assembly transmitted.

108

April 2,  
York.April 3,  
York.

63 VICTORIA, A. 1900

1829.

*Enclosed.* Address from the Assembly asking that their address be presented to the King. Page 110

Address of Assembly praying for favourable consideration for the resolutions and documents and for the liberation of Francis Collins. 112

Resolutions of the Assembly with the grounds of charges against the judges and Attorney General in respect to the trial of Collins and asking that the law be relaxed in favour of Collins. 113

Address of the judge to the jury in summing up the evidence in the trial of Collins. 121

Answer by the judge to exceptions raised in the case of Collins. 129

Copy of the indictment against Collins, April 1828. 138

Indictment, October, 1828. 141

Charge of judge Sherwood to the jury. 152

Memorial of Assembly for the liberation of Collins. 162

Refusal of the Governor to comply. 164

Remarks on the trial of Collins and on the course followed by the Assembly in reference to it. 165

Remarks by judge Hagerman on the case of Collins. 183

Opinion on points raised after the verdict. 195

Remarks on the resolutions passed by the Assembly and on the character of some of the members by whom the resolutions were supported. 200

Remarks by J. B. Robinson on the indictment against Collins at the Spring Assizes of 1827. 209

Statement of the Attorney General in opposition to evidence given before the select committee in the case of Collins 220

Colborne to Murray (No. 8). Transmits address from the Assembly respecting the law courts, the exempting the Chief Justice from the duties of the Executive Council; the independence of the judges; the proceedings of the local government which led to the removal of Willis and the necessity of appointing judges from the English bar till the society in the province becomes more enlarged. 228

*Enclosed.* Addresses on the subjects mentioned in the preceding letter. 230

Observations of judges Sherwood and Hagerman on the address. 240

Colborne to Murray (No. 9.) Transmits address from the Assembly respecting the revenue raised under the statute 14 George 3, chap. 88. Had reminded the Assembly that so long as that statute remained in force government had no choice but to execute its provisions. The revenue will be sufficient to defray the expenses of the current year and in future no supply will be required from the provincial funds to support the civil establishment except the sum of £2,250 granted in 1816 in aid of the administration of justice and support of the civil establishment. It will be fortunate for the province if the civil list can always be defrayed without having recourse to the provincial legislature constituted as it is. Recommends that no part of the casual and territorial revenue should be placed in the power of the legislature. The payment of the pensions of wounded militia officers, &c., hitherto made from this revenue should be transferred to the estimate which is defrayed from funds arising from the Canada Company's agreement. 247

*Enclosed.* Address from the Assembly with resolutions and offering supply. 251

Resolutions that the possession of revenue by the Executive independent of Parliament is inconsistent with public liberty. 252

Act passed 7th April, 1817, granting His Majesty a sum of money for purposes therein mentioned. 263

Estimate sent by Colborne of the sums voted by the Imperial Parliament in aid of the civil expenditure of Upper Canada before 1827 and

April 4,  
York.

April 6,  
York.

April 11,  
York.

April 7  
York.

April 8  
York.

April 1  
York.

Q. 35

SESSI

18

dress be  
 Page 110  
 the reso-  
 112  
 inst the  
 asking  
 113  
 e in the  
 121  
 s. 129  
 138  
 141  
 152  
 162  
 164  
 by the  
 165  
 183  
 195  
 character  
 d. 200  
 s at the  
 209  
 ce given  
 220  
 ssembly  
 from the  
 ges; the  
 moval of  
 a bar till  
 228  
 receding  
 230  
 ss. 240  
 ssembly  
 chap. 88.  
 nained in  
 ns. The  
 year and  
 e to sup-  
 in 1816  
 establish-  
 always be  
 re consti-  
 territorial  
 payment  
 from this  
 yed from  
 247  
 d offering  
 251  
 indepen-  
 252  
 money for  
 263  
 al Parlia-  
 1827 and

## SESSIONAL PAPER No. 8c

1829.

statement of the sums paid and received under Act 14 George 3, ch. 88 for 1828.

The statements mentioned in the preceding.

Page 268  
Q 351—2 p. 269

Statement respecting the funds derived by the Executive under the Act 14 George 3, ch. 88.

284

April 7,  
 York.

Colborne to Murray (No. 10.) Forwards a joint address from Council and Assembly respecting losses sustained in the war of 1812

287

*Enclosed.* Address respecting the losses.

288

April 8,  
 York.

Colborne to Murray (No. 11). Sends copy of his speech on closing the legislature on the 20th of March.

291

*Enclosed.* Speech.

292

April 10,  
 York.

Colborne to Murray (No. 12). Now sends result of his reference to the legislature of the question of a university. Both Houses agree that there should be no test; if the Chancellor, President and members of the college council are to be appointed by the King there can be no danger to the established church from this. If the terms of the charter are liberal and King's college well conducted most of the respectable young men will enter it in preference to going to the United States to complete their education. The considerations to be observed in discussing the propriety of cancelling or altering the charter. The general belief in the benefit of establishing a good school. Has encouraged the idea and hopes that government will assist the school he proposes to open at York before next winter. The communication to the Executive Council will show the probable extent of the funds applicable to the seminary, without interfering with the endowment for the university. The unappropriated funds from the Canada Company will enable government to grant £1,000 a year for the support of the school. The good effects on the principles of the young; he cannot sufficiently recommend the seminary, which he proposes to call the Upper Canada College. Trusts that the sale of townships will furnish funds to enable ten exhibitions of £60 each to be held for five years.

296

*Enclosed.* Memorandum on the seminary it is proposed to establish.

300

Proceedings at a meeting of the Board of Education.

303

Address to Colborne, thanking him for the interest he has taken in education, and enclosing resolutions.

304

Reply to the address.

305

Address from the Assembly on the subject of education, pointing out that the system tends to favour one to the exclusion of other Christian churches.

306

Resolutions on the subject of a university.

309

Address of the Legislative Council on education in which they object to the test oath.

315

Resolutions.

316

April 11,  
 York.

Colborne to Murray (No. 13). Transmits copy of letter from the Commissioner of Crown lands. A return of the lands set apart for the clergy (2,071,375 acres) was sent last week. The inspected lots amount to 106,150 acres. The great loss that would have been sustained had the Canada Company's offer been accepted. The advantage of selling portions gradually; the inconvenience to the settlers of the clergy reserves; if leased for a half penny an acre for 21 years, the settlers might be able to purchase at the end of that time. How an endowment could be created for the clergy. If the reserves are to be shared by the Presbyterians, the clamour raised by the other dissenters will be as loud as theirs has been. Suggests that the whole of the clergy reserves be placed at the disposal of the Crown to make a provision for a Protestant Episcopal clergy or for the support of any other Protestant church. Estimates of the character, etc., of the different religions denominations.

317

1829.

63 VICTORIA, A. 1900

*Enclosed.* Peter Robinson to Colborne. Had carried out the instructions to offer for sale a part of the clergy reserves. Had in consequence received offers from every district and these now amount to not less than 200,000 acres. To ascertain the value of the land it had to be inspected which caused delay, but the return was made to Maitland on the 22nd November last, showing what had been done to that period. The return with descriptions of the situation, quality of the soil, etc., was approved of by the governor and Council and he was authorized to effect sales ten per cent to be paid annually. Reports the sales that have been made.

Page 322

May 3,  
York.

Colborne to Hay (private). The expense of the Indian department could be diminished in a few years if the course pursued by the Mississaugas of the Credit were observed with the other tribes. McGrath's report shows the extraordinary change that has taken place at that station. The difficulty of reducing the salaries. How the officers could be distributed and their duties defined. How the presents are to be given and at what points. Peter Jones preparing to go to New York to superintend the printing of the Bible in the Mississauga language, is to be recalled and to be told that the Bible shall be printed at York by the government printer under his superintendence. The expense he (Colborne) hopes will be authorized by Murray. The books used by the American Methodists may create a prejudice; trusts it will appear necessary to send out English missionaries, the Wesleyan Methodists might be induced to try to convert all the Indians and to send out preachers. The New England Society and the Church Society would, he should suppose, also lend their assistance. An allowance should also be made for medical assistance. Thinks that proper settlements should be established for the civilisation of the Indians as is the case in the United States.

326

May 7,  
York.

The same to Murray (No. 14). Has forwarded to Kempt dispatch of which copy is sent, respecting the Indian department submitting the scale on which it might be conducted with economy and with advantage to the tribes.

334

*Enclosed.* Colborne to Kempt. Information as to the Indians substantially as in letter to Hay of 3rd May.

335

Report of the state of the Indians on the River Credit, by Rev. James McGrath.

340

Present establishment of the Indian department for 1829.

347

Proposed establishment.

348

May 15,  
York.

Colborne to Murray (No. 15). Transmits the "Blue Book" for 1828.

349

May 16,  
York.

The same to the same (No. 16). Sends copies of bills passed with titles of reserved bills.

350

*Enclosed.* Schedule of bills passed with remarks; and observations on the reserved bills.

352

May 19,  
York.

Colborne to Murray (No. 17). Forwards petition from Mrs. Ridout for a pension.

371

*Enclosed.* Petition.

372

May 20,  
York.

Colborne to Murray (No. 18). Sends petition from the Presbyterians in Kingston stating their inability to pay a debt incurred in erecting their church and asking assistance.

374

*Enclosed.* Petition.

375

May 21,  
York.

Colborne to Murray (No. 19). Has sent copy of communication he has addressed to the Respective Officers to transfer to the Ordnance the grounds belonging to works of defence. The revenue may be increased by granting leases of such parts as are not immediately required and the commissioner might be instructed to lease them.

379



the instruct-  
sequence  
not less  
ad to be  
tland on  
t period.  
soil, etc.,  
orized to  
that have  
Page 322  
partment  
the Missis-  
McGrath's  
e at that  
ers could  
are to be  
York to  
ago, is to  
York by  
pense he  
used by  
ll appear  
ethodists  
send out  
ould, he  
d also be  
should be  
e United  
326  
spatch of  
ting the  
divantage  
334  
Indians  
335  
v. James  
340  
347  
348  
ok" for  
349  
sed with  
350  
ervations  
352  
Ridout  
371  
372  
pyterians  
erecting  
374  
375  
eation he  
ance the  
ncreased  
ired and  
379

## SESSIONAL PAPER No. 8c

1820.

May 22,  
York.

*Enclosed.* Instructions to the Respective Officers concerning lands for works of defence Page 380

Colborne to Murray (No. 20). Sends communication from the directors of the Canada Company from which it appears probable that there will be delay in making the half year's payment due on the 20th June. 382

*Enclosed.* Ellis to Perry. As the directors of the Canada Company are negotiating with the Colonial Office respecting the whole of their engagements, it is considered expedient to suspend payment of the instalment due on the 20th of June. Orders given accordingly to the commissioners not to draw. Hopes before June to have a settlement effected. 383

May 23,  
York.

Colborne to— (private). Buchanan instructed to inform emigrants of the regulations for the purchase of lands. Most of the difficulties would be removed, if a considerable number of the settlers were attracted to a township. The system of granting land to individuals to form townships has failed. The giving of 200 acres each to Talbot and McNab for each person settled by them is an expensive mode of remuneration, the lands remain unoccupied and produce the same inconvenience as that from reserves and waste lands. By his (Colborne's) plan the government officers would be employed and the only expense would be for log houses for temporary shelter and for provisions for part of them for two months. By next year government will be fully repaid for this expense as there are 9,000 acres in Ops, which will sell for 15s. an acre when roads are made. If a dense population can be settled there and in the townships near the Sturgeon Lake the system will be followed next year and the commissioner of Crown Lands should be authorized to open roads when he believes the Crown Lands will be benefited. If the Canada Company do not reap the advantages they expected this arises from their magnificent establishment as they have no reason to complain of the bargain. 385

*Enclosed.* Instructions to the Commissioner of Crown Lands. Regulations for the disposal of lands in the township of Ops set apart by Colborne for the reception of emigrant settlers. 388

Colborne to Murray (No. 21). Transmits copy of letter from By on the advantage of a timber channel at the Chaudière Falls. A merchant at Montreal has offered to undertake the construction on conditions mentioned in his application. Does not imagine government will allow the timber channel to become private property. 391

*Enclosed.* By to Colborne. Had been authorized by Dalhousie to expend £2,000 in 1826 and 1827 in forming a timber channel. Piers and gates could be formed in the channel at a cost of £10,300.9.10. sterling so that the expense of re-rafting timber would be saved and the delay avoided. He had no hesitation in saying that the lumber merchants would cheerfully pay an additional half penny a foot for such accommodation. If he (Colborne) sanction the work offers to superintend the construction. 392

Estimate of the expense of the proposed improvements in the timber channel. 394

Offer by Isaac Valentine to construct a canal through the timber channel of the Ottawa river, on receiving a grant of the broken front of lot 39. 396

Plans of the falls, &c., follow.

Colborne to Murray (No. 22). Sends abridgment of the "Blue Book" for 1829. 397

*Enclosed.* Establishment of Upper Canada for 1828. 398

Net revenue and expenditure. 412

Taxes and duties. 414

Table of fees. 415

May 30,  
York.



63 VICTORIA, A. 1900

1829.

Respecting schools.	Page 415
Return of produce, stock, &c.	416
Population.	417
Lands.	417

LIEUT. GOVERNOR SIR J. COLBORNE, 1829.

## Q.—352.

- April 20, Kingston. Barrie to Colborne. Enclosed in Colborne to Murray, 22nd September, 1829.
- May 16, York. Militia General Order. Enclosed in Colborne to Murray, 14th December.
- July 1, York. Colborne to Murray (No. 23). Sends copies of the Acts passed last session. Page 1
- July 10, York. Schedule of Acts. 2
- Colborne to Murray (No. 24). The directors of the Canada Company have ordered payment of the instalment due 30th ulto. Understands that Peter Robinson has forwarded account of his proceedings. No great increase to the sale of Crown lands can be expected for the next seven or eight years. Statement of the available funds to meet expenditures. Statement of pensions and salaries. 4
- Enclosed. Proposed method of keeping the public accounts. 9
- Memorandum of the Receiver General. 12
- August 10, York. Givins to Colborne. Enclosed in Colborne to Murray, 19th September. Memorial follows.
- August 14, York. Memorial of John O'Grady. Enclosed in Colborne to Murray, 24th September, 1829.
- August 17, York. Colborne to Murray (No. 25). Sends list of members of the Executive and Legislative Councils. 14
- Enclosed. List of Executive and Legislative Councils. 15
- August 18, York. Colborne to Murray (No. 26). Remarks on the proposal of the Canada Company to relinquish their agreement; objects to the proposal on the grounds of the embarrassment it would cause to government; the injury sustained by the company must be ascribed solely to their own proceedings. The condition of the company and plan proposed for settling the lands. 19
- August 19, York. The same to the same (private). The excellent bargain the Canada Company obtained; if they cannot fulfil their contract it should be annulled; if the property revert to the Crown how it could gain a large amount in five years. The first proposal of the directors should be rejected, as otherwise two or three of the wealthy proprietors would gain possession of the finest tract of land in the province at 1s. 7d. an acre. How the land might be disposed of to advantage; gives the calculations as to the manner in which a profit would be derived from settlement by enhancing the value of the remaining land. Asks that a mandamus may be sent for Chief Justice Robinson's seat in the Executive Council and for the others recommended, with a discretionary power in the case of the latter. Hagerman believes himself to have been ill used. Regrets that Campbell did not retain office for another year. Boulton, Attorney General, is very unpopular and his professional conduct not free from blame. His promotion would, therefore, be an embarrassment to the local government. The township of Horton on the Ottawa pointed out as the place for the reception of the Duke of Hamilton's emigrants from Arran. They are to be sent to Bytown. Had hoped they would be so well satisfied that they would induce others of their countrymen to join them. Regrets to find how-

August  
York.August  
York.August  
York.August  
York.August  
York.August  
York.Septem  
York.Septem  
York.

## SESSIONAL PAPER No. 3c

1829.

ever, that on hearing that Upper Canada was unhealthy they would have to settle near Quebec. Thinks that a few merchants of Quebec, speculators in land, are anxious to obtain all industrious settlers and that Buchanan has been very active. He should be told that settlers for Upper Canada should be forwarded. The clergy reserves might be taken out of the hands of the clergy corporation. Most dissenters, especially those from the United States, object to an endowment for a national church. It would be unwise to admit the right of voluntary separatists on account of numbers. Excitement caused by Dr. Strachan's letter and chart. Applies for assistance towards helping Indian schools. How desertion in Canada may be stopped. Penetanguishene will become a strong post but before fortifications are begun, a good road should be made. The reduction that good roads would cause in the transport of stores. Where the fortifications should be placed. It is impossible to state the costs of those to defend the dockyard of Kingston. The best fortifications would be good roads with British settlers. Page 28

*Enclosed.* List of proposed members of the Legislative Council of Upper Canada. 36

Macaulay to Mudge. *Enclosed* in Colborne to Murray 23rd September, 1829. 36

Colborne to Murray. Has pointed out that the proprietors of the Canada Company have no claim on government, they have worked hard to create a village at Guelph and have attracted about 250 people, but not one settler across the Atlantic. The improvements are on too limited a scale to produce a quick return. 37

The same to the same (No. 27). With reference to Maitland's dispatch respecting Hamilton's refusal to accept the proposal of the Commissioners of the Navy sends letter from Hamilton that he is desirous to receive the decision on the purchase of his property. 38

*Enclosed.* Hamilton to Mudge. Is desirous to have a decision on the subject of the Kingston reserve, as it is inconvenient to be suspended from turning the property to account or being paid for it. 39

Colborne to Hay. Sends return of the average price of wheat, &c., in the principal markets of Canada for six months to 30th June last. 40

*Enclosed.* Return. 41

Colborne to Murray. Sends report by the Warden of the forests of the Canada Company, on the Huron tract, which confirms his statement as to the advantageous bargain made by the Company. If it should be dissolved could money not be raised on the security of the land. The absurdity of supposing that paupers can cultivate land without assistance. The impression made by debates in the Imperial Parliament that Canada may be abandoned. Is glad therefore, to hear of fortifications or any works that may restore confidence. 42

*Enclosed.* Report of the warden of the forests in the territory in the London district. (Published in full in report for 1898. The report describes the boundaries, geological formation, soil, &c.) 45

Colborne to Murray (No. 28). The late arrival of the "Blue Book." Asks two blank books to be sent as it could not be printed at York for less than £150. 71

The same to the same (No. 29). The good character and qualifications of the persons recommended to be appointed to the Legislative Council. 72

*Enclosed.* List of nominees. 73

Colborne to Murray (No. 30). Transmits accounts of expenses of the government offices in Canada; all the salaries of clerks are included. The duties of the Surveyor General's office are decreasing; has not therefore, filled up the vacancies. The clerks in all other departments

63 VICTORIA, A. 1900

1829.  
are fully employed and extra clerks are required during the session.  
The postage of government is a serious charge. Page 74  
Statements of expenditures. 77 to 84
- September 14, 1829. Covert to Mudge. Enclosed in Colborne to Murray 22nd September, 95
- September 14, York. Colborne to Murray (No. 31). Transmits journals of the Council and Assembly. 96
- September 18, York. The same to the same (No. 32). Transmits statement from Hagerman. When he gave up his practice to act as judge, he had little doubt of being confirmed should the removal of Willis take place. 96
- Enclosed Memorial on the subject of his being appointed Solicitor General and of the appointment of J. B. Macaulay to be judge in room of Willis. 97
- September 19, York. Colborne to Murray (No. 33) Transmits memorial from Givins and recommends he should be allowed to retire on his present pay. Asks for authority to make such changes in the Indian department as may seem necessary. 105
- Enclosed. Givins to Colborne, applies for leave to retire on his full pay. 106
- Memorial of Givins. 107
- Bathurst approves of the conduct of Givins. 109
- September 21, York. Colborne to Murray (No. 34). In reference to authority being given to make grants of land to discharged soldiers, observes that for some time it has been understood that discharged soldiers were entitled to grants. Believes desertion will not be checked, till all regiments on arrival are informed that deserving soldiers may obtain land and their discharge when their corps are ordered home. 111
- September 22, York. The same to the same (No. 35). The suitability of the soil of Upper Canada for the growth of hemp. Many would cultivate it, were a market secured. Covert intends to become an extensive grower; a depot should be established at Cobourg, but agents should be appointed to purchase hemp brought to them. 113
- Enclosed. Covert to Mudge. 14th September. His proposal respecting the cultivation of hemp. 115
- Barrie to Colborne. 25th April. Reports on hemp grown in Canada. Orders by the Navy Board respecting the hemp to be purchased. 119
- Report on samples of Canadian hemp. 121
- September 23, York. Colborne to Murray (No. 36). Forwards application from judge Macaulay for leave to retire from the Legislative Council. If the resignation is accepted, nominates Lt. Col. Wells to succeed. 122
- Enclosed. Macaulay to Mudge. Applies for leave to resign his seat in the Executive Council. 123
- September 23, York. Colborne to Murray (private) Is inclined to think that Bishop Macdonell should be admitted to the Legislative Council. Had recommended that Lieut. Colonel Wells should succeed Macaulay in the Executive Council. 125
- September 24, York. Colborne to Murray (No. 37). Transmits memorial of O'Grady, who conducted 500 emigrants from Rio de Janeiro; asks for a grant of land in consideration of this. 130
- Enclosed. Memorial of O'Grady for a grant of land, stating his services. 131
- September 25, York. Colborne to Murray (No. 38). Does not think Colonel Talbot should have an addition made to the Talbot settlement of an extensive tract in the western district. He has succeeded in settling the townships in the London district under many difficulties, but the lands which Talbot wishes to be included in the Talbot settlement will from their situation and fertility be settled under any superintendence. 136

## SESSIONAL PAPER No. 8c

1829. September 26, York.	Colborne to Murray. Sends answers proposed to questions prepared by the Royal College of Physicians. Page 138	138
September 28, York.	The same to the same (No. 39). Transmits memorial from Major Kerby of the incorporated militia, who had seized by order of his commanding officer horses belonging to Ousterhout who had fled to the enemy during the war of 1812, was arrested in the State of New York and suffered a loss of £224 for which he now asks payment.	139
	<i>Enclosed.</i> Memorial.	141
	Report of the trial and other papers.	146 to 202
September 30, York.	Colborne to Murray (No. 40). Has respited Benjamin Ward, sentenced to death, the judges having some doubts on the subject.	203
	<i>Enclosed.</i> Report of the case.	205
October 1, York.	Colborne to Murray (No. 41.) Represents the qualities of Elmsley for a seat in the Legislative Council.	217
	<i>Enclosed.</i> Formal return of Elmsley recommended for a seat in the Legislative Council.	218
	A private letter to Murray of same date recommends and urges the appointment of Elmsley to the Executive and Legislative Councils.	219
October 19, York.	Colborne to Murray (No. 42). Delays in the transaction of business before the Executive Council; recommends gradual increase to the number of members and the appointment of Elmsley.	225
October 20, York.	The same to the same (No. 43). The Six Nation Indians of the Grand River represent they can obtain no satisfactory account of the dividends received by Claus. Ask that Messrs. Courts be directed not to accept draughts from Claus for the dividends. The conduct of Claus now under investigation. Shall report the result.	226
October 24, York.	Colborne to Hay. Sends report showing that the settlers in Lanark who emigrated in 1820 and 1821 are not entitled to grants of land petitioned for.	220
	<i>Enclosed.</i> Minute of Executive Council on the petition of settlers in Lanark.	221
November 6, York.	Dunn to Mudge. Enclosed in Colborne to Hay. 4th December, 1829.	221
November 10, York.	Colborne to Murray (No. 44). Has passed through the townships of the London and Western districts. The valuable services of Talbot in settling them. Having fulfilled his contract, he is now entitled to 60,000 acres and has been authorised to make regulations for 24 townships (a list of these is given in the margin). Recommends that no others should be placed under his direction and that no part of his authority should be delegated to assistants. How the settler may remain a debtor to government till he shall choose to pay.	228
November 11, York.	Same to the same (No. 45). Forwards memorial from Chewett. The satisfaction he has given whilst holding the office of Acting Surveyor General.	232
	<i>Enclosed.</i> Memorial from Chewett stating his services and complaining of being superseded in his office.	233
November 25, York.	Colborne to ——— (private). Has stopped the trial at Ops of raising the value of the land. The whole charge for settling 60 families will not exceed £400; the first two instalments will more than cover this and their whole payments will amount to £1,200, besides the value their settlement has given to the clergy reserves. The system therefore requires consideration. The willingness of the Lanark settlers to pay the value of the land. The clergy reserves are selling at from 17s. to 20s. an acre. The imprudence of framing rules by which payments are long suspended. The danger of issuing patents for lands before the patentees have become settlers. Talbot's regulations to avoid this danger. His tour in the London and Western districts has satisfied him that	

63 VICTORIA, A. 1900

1829.

arrangements for settlements may be made by which a greater revenue could be obtained than by a partial amendment of existing regulations. The impropriety of making public such letters as have been written for the information of ministers. The difficulty of maintaining schools; a superior one required. Remarks on the plan of a university. Page 235

*Enclosed.* Colborne to Talbot. The satisfaction felt at his (Talbot's) exertions, but before again writing to the secretary for the Colonies, he (Colborne) desires to have a return of the number of acres vacant, the number of settlers, &c., since the last report; also, if the time for paying the fees is fixed or if they can only be demanded when the patent is asked for. The objectionable nature of this system. 242

December 3,  
York.

Peter Robinson to Colborne. *Enclosed* in Colborne to Hay, 4th December, 1829. 243

December 3,  
York.

Colborne to Murray. (No. 46.) In answer to inquiry what is to be done with the revenue of Crown lands he intended that the rents of these lands should be carried to the account of the King's casual and territorial fund. Blocks of land set apart for military purposes have never been under the control of the Ordnance. The inconvenience that would be caused by their transfer. 244

December 4,  
York.

Same to Hay. Had communicated contents of dispatch to Peter Robinson and the Receiver General. Sends the explanation for the information of Murray. 246

*Enclosed.* Dunn to Mudge. That he did not think it necessary to add the dates to the account of receipts and expenditures by Peter Robinson, the object being merely to show him how the fund could be relied on. Now sends accounts with the dates supplied. 247

Statements referred to. 249

Peter Robinson to Colborne. Gives explanation of items in his account. 252

List of warrants issued. 254

December 4,  
York.

Colborne to Murray (private and confidential). The only order in Upper Canada bound by religious vows is a society of nuns at Glengarry and Sandwich most of them trained in Montreal. The Roman Catholic subjects of His Majesty enjoy by the Act 31 George III all the privileges conferred by the recent Imperial Act. Thinks it therefore inexpedient to bring the subject before the legislature. 255

December —,  
York.

Same to the same (No. 47). Had received dispatch disapproving of some of his measures in reforming the Royal Grammar School of York, was aware of the state of the funds arising from the instalments of the Canada Company, but anticipated that the unappropriated balance might be disposed of most profitably in fostering such an institution. The whole expense for establishing the college was defrayed from school funds and the fear is that its usefulness will be too confined. The advantage of establishing in a central situation schools where a liberal education can be received on moderate terms. Obstacles to the establishment of schools from the dispersed state of the population, but they would be a great inducement to respectable families to settle in the colony. The loss that would be sustained by government if the error in the calculation of the liabilities of the Canada Company is not corrected. Defends the system of settlement he has adopted in Ops and points out its favourable pecuniary results. 256

December 9,  
York.

Same to the same (No. 48). Transmits journal of Assembly for the session 8th January to 20th March, 1829. 260

December 9,  
York.

The same to the same (private). Can in a private communication enter into details that could not be conveyed by another channel. Believes the description of schools and the system of disposing of land will influence the welfare and tranquillity of the province. The first change to be desired in regard to settlements is to appoint a due propor-



revenue  
ulations,  
tten for  
ools; a  
age 235  
albot's)  
nies, he  
ant, the  
paying  
atent is  
242  
Decem-

is to be  
ents of  
ual and  
es have  
ce that  
244  
Peter  
e infor-  
246  
sary to  
Peter  
uld be  
247  
249  
in his  
252  
254  
der in  
garry  
atholic  
vileges  
edient  
255  
oving  
York,  
of the  
alance  
ution.  
school  
advan-  
educa-  
ublish-  
they  
in the  
ror in  
ected.  
s out  
256  
or the  
260  
ation  
annel.  
land  
o first  
opor-

## SESSIONAL PAPER No. 8c

1829.

- tion of good magistrates. Cost of education in common and district schools should be left to the provincial legislature but the greater institution should not be neglected. The good effect of these from various points of view. Improvement in the class of settlers arriving. How the Crown lands should be disposed of; by his plan the sum advanced for improvements would be repaid in five years. Instances the case of Ops as an example of how the plan would work and argues that no land should be given except on terms of residence and that officers entitled to grants might have charge of the townships in which they are placed. Proposes a gradual increase to the Legislative and Executive Councils. It is scarcely possible to make the militia an effective force; how it might be arranged; other suggestions. Page 261
- December 11, Colborne to Hay. Transmits calculation of the number of acres at York. the disposal of the government at Ops, to show the sum which each township will generally produce. In some cases all the first payments might be expended in making roads. 267
- December 12, Enclosed. Calculation. 268
- York. Colborne to Murray (No. 49). Sends copy of petition from Michael Mason convicted of a capital offence. Believes that if he were transported the crime of horse stealing would become less frequent. 269
- Enclosed. Michael Mason. Petition praying that the sentence of death be commuted to transportation to Bermuda. 270
- December 14, Return of convicts proposed to be transported to Bermuda. 271
- York. Colborne to Murray (No. 50) Refers to previous letter respecting the militia and transmits return of an order with a view to organise an effective force. Proposes that as one or two companies might be found in each corps who would assemble for service voluntarily they should be provided with rifles and accoutrements and, if this were done, he has no doubt they would clothe themselves. 272
- Enclosed. Return of militia forces of Upper Canada including only men between the ages of 13 and 40. 274
- Militia General order. 277
- December 22, Colborne to Murray (No. 51). Sends memorial from Samuel Jarvis York. representative of William Jarvis, with report from the Executive Council recommending the payment to him of £225. 280
- Enclosed. Memorial to Colborne. 281
- Memorial to Maitland. 300
- Report to Executive Council on the memorial of Jarvis. 304
- Printed copies of correspondence in return to an address from the House of Commons dated 5th June, 1829. 318 to 364
- December - , Prospectus of the Upper Canada College. 126
- York

## PUBLIC OFFICES AND MISCELLANEOUS, 1829.

(Part I is paged from 1 to 280, part II from 281 to 366, part III from 367 to 507.)

## Q. 353—1-2-3.

1814.  
March 14,  
Assembly.

Address of the Legislative Assembly of Upper Canada on the state of the province during the war. Page 161

1815.  
March 13,  
York.

Address of the Legislative Council of Upper Canada on the restoration of peace and appeal that relief may be given to the sufferers in the province from losses during the war. 165

Enclosed. General orders, 10th March, 1815, allowing the militia to return to their homes, to restore all arms &c., and to receive their regular



63 VICTORIA, A. 1900

discharge. The legislature granted six months pay to the whole corps. Page 167

General order, 18th August, 1815, communicating the high sense of the services of the militia entertained by the Prince Regent. 169

Notice of the meeting of the Board of Claims, 18th August, 1815, at which claimants are to appear. 171

Notice, 20th November, 1815, of the appointment of commissioners to receive claims for losses on account of the war. 172

Notice, 21st December, 1815, of the names of the commissioners appointed with rules of the manner in which claims are to be presented. 173 to 175

Address, 13th April, 1821, by the Assembly of Upper Canada on the subject of the losses sustained in the province during the war. 176

Other documents relating to losses. 177 to 213

1825.  
October 31,  
Ludlow.

Certificate of the marriage of Joshua Ratcliff and Mary Edwards 15th December, 1776. 267

November 2,  
Ludlow.

Certificates of baptism of John, 18th February, 1780, and of Thomas, 26th July, 1795, sons of Joshua and Mary Radcliff. 268

Other documents relating to the claims on the Ratcliff succession. 269 to 277

1828.  
August 15,  
York.

Meeting of Constitutional Committee W. W. Baldwin appointed chairman and Robert Baldwin and Thomas D. Morrison appointed secretaries. 98

1829.  
January 3,  
York.

Petition. 99

W. W. Baldwin to the Duke of Wellington. Has sent copy of petition for redress of grievances. It was not known at the time of the meeting that the King had placed the affairs of the empire in His Grace's hands. The colonists place full reliance in His Grace's sympathy who has expressed his knowledge of the independence of colonial legislatures. The people look with anxiety for His Majesty's disapprobation of the illegal removal of Willis. 84

January 3,  
London.

Enclosed. Report of the resolutions at a "Constitutional meeting." 88

Mactaggart to Hayes (Hay). Asks that a document he sent respecting the extent of the survey made in Upper Canada may not be forgotten. Has maps, &c., which may help to elucidate the mysterious boundary line between Canada and the United States. 253

January 3,  
York.

J. B. Robinson to Hay. Sends a packet to Wilmot Horton, under cover to him (Hay). Wilmot Horton had asked for an unreserved opinion on the report of the Canada Company. It was an imprudent request as the length of the document will show. Thanks for the kindness shown by Murray and him (Hay) on occasion of the temporary appointment to the office of Chief Justice. 265

January 5,  
Bath.

Willis to the same. For copies of correspondence relating to the establishment of a court of equity in Upper Canada. 453

January 7,  
Killarney.

Mahony, late captain in the 3rd regiment of the Irish Brigade, inquiring if there is a bank in Canada in which he can deposit his money in security with interest. 254

January 10.  
General Post  
Office.

Freeling to Hay. Has laid letter before the Postmaster General relating to the carriage of letters to Upper Canada. If all the letters sent in the irregular way described by Sir John Colborne were sent exclusively through the post office it might not be difficult to arrange with the United States government to send a sealed bag through the United States. Owing to the legislature allowing letters to be sent in any manner the sealed bag would be too small to warrant its establishment, and as letter bags are regularly forwarded by every ship leaving, the post office really gives the facilities asked for. The question of the establishment of a deputy postmaster general in Upper Canada is more for the government than for the post master general. The correspondence re-

## SESSIONAL PAPER No. 8c

1829.

- pecting the establishment of posts in Upper Canada has been forwarded with the papers to the deputy postmaster general of British North America. Page 77
- February 13, Willis to Murray. Has learned that his removal from the King's Bench of Upper Canada was not unwarrantable nor void. Is it intended to reappoint him to a judicial position in Upper Canada or any other colony and to compensate him for his losses? 454  
Worcester.
- February 14, Campbell to Harrison. Sends list of Legislative Councillors in Upper Canada. 128
- February 15, Willis to Murray. Not having had an answer to his letter he will remain a few days longer, hoping to be favoured with his determination. 455  
Worcester.
- February 17, Cockburn to Hay. Has anything further been done respecting the road between Petewudie (*sic*) and Miramichi. 129  
Hertford Street.
- February 18, Hamilton Merritt to —. Sends last year's report on the Welland Canal, which is now being prepared to pass vessels by 1st May or June next at farthest. 255  
St. Catharines.
- February 22, Bolton to Murray. Writes on behalf of Willis to have him reinstated. 111  
Trafalgar Park.
- February 23, Mrs. Hatfull to Murray. States her case that her husband deserted her, that she tried to support herself by opening a school; its failure. Her husband is in Murray, Upper Canada. If she proceeded there could she enforce her claim in the courts of Upper Canada? 246  
Southsea.
- February 23, Willis to the same. Is the bearer of a letter from Sir R. Bolton and takes the opportunity of asking for an audience. Is persuaded that he (Murray) has no idea of his complete ruin and of his inability to bring his wife and family back from York where they were left as he expected to return in a judicial capacity; he cannot imagine that the long delay was intended to aggravate the poignancy of his feelings. 456  
London.
- February 27, The same to the same. His call at the Colonial office was to ascertain if it was thought advisable he should not return to Upper Canada, whether any other and what appointment could be given him. Though the Council held his removal legal yet at the most it could only be held that he erred in judgment. He has lost a respectable practice at the bar and to establish himself respectably at York has exhausted his small fortune. His family are still at York and he has not the means to bring them to England. Has received permission from Lord Eldon to hand his testimonial of approval of his (Willis) conduct. Desires to know whether if he memorialised the Treasury for repayment of his legal expenses the memorial would have his (Murray's) support. Reasons for the application. 458  
London.
- March 3, Chief Justice Campbell to Hay (private). Sends memorandum respecting his retiring allowance; would be perfectly satisfied with £1,250 or such a sum as Sir George Murray and himself should see fit to allow, feeling safe in honourable hands. List of appointments recommended for the bench of Upper Canada. 130
- March 3, The same to —. Further respecting his retirement and retiring allowance. 132  
London.
- March 18, Dawson to Hay. The Lords of the Treasury do not feel warranted in giving assistance to complete the Presbyterian church at Kingston. 136  
Treasury.
- March 31, Peter Robinson. Diagrams showing how townships are divided in Upper Canada. 365  
York.
- March 31, The same to Hay. Sends return of the sales of Clergy reserves to this date. 367 to 373  
York.

63 VICTORIA, A. 1900

1829.

- Enclosed.* Returns. Page 376 to 379  
Form of agreement for the sale and purchase of Clergy reserves. 380  
Murray to —. Has the measure of appointing a deputy postmaster  
general for Upper Canada been decided on? 256  
April 3, London.  
April 4, St. Catharines.  
Hamilton Merritt to Murray. Reminds him that the subject of half-  
pay to the provincial dragoons was to be brought before the Duke of  
Wellington. 257  
April 9, London.  
Ward to Hay. Desires to have official proof of the death of Thomas  
Ridout, and particulars relating to the same with a view to the interests  
of his relatives. 423  
April 10, Admiralty.  
Barrow to the same. The Lords of the Admiralty desire to call  
Murray's attention to the subject of a proposed dam across the Grand  
River to which Commodore Barrie objects. 1  
*Enclosed.* Barrie to Croker. Calls attention to the proposal to dam  
the Grand River and refers to previous letters on the subject. 2  
Colborne to Barrie. Sends communication from Merritt respecting the  
dam across the Grand River. 4  
Merritt to Dunn. Sends plan of the Grand River survey respecting  
the dam proposed. 5  
Barrie to Colborne. If he rightly understands the plan sent by Mer-  
ritt he must protest against the obstruction that will be caused by the  
dam. 7  
April 11, Admiralty.  
Barrow to Hay. That the land at the head of Penetanguishene Bay  
and mill site be reserved till that for the naval department be decided  
on. 10  
April 13, London.  
Peter McGill to Murray. Thanks for interview. Account of the  
Marmora Iron works which will be of great benefit. Prays that delivery  
may be taken of the iron ballast. 223  
*Enclosed.* Newspaper extract describing the Marmora Iron works  
and prospectus of the works offered for sale. 225  
April 16, Cavan.  
Rev. F. Fox to —. Applies for information as to the steps to be  
taken to assist James Armstrong's family to join him and to obtain a  
grant of land. 215  
April 23, Treasury.  
Stewart to Hay. Campbell, Chief Justice of Upper Canada, is to be  
allowed to retire on a pension of £1,200 a year. 66  
April 23, Treasury.  
The same to the same. Sends for the consideration of Murray state-  
ment of sums paid from the military chest for the service of the settle-  
ment at Lanark, Upper Canada. 67  
April 27, London.  
Campbell to the same. Has received information that he has been  
granted £1,200 as a retiring allowance for which he expresses his  
obligations. 137  
April 27, Clough.  
Willis to Murray. Wrote on the 27th February, enclosing letter from  
Lord Eldon. Now sends a copy. Hoping for a definite answer to his  
application for a judicial appointment, he had delayed making a fresh  
application, notwithstanding his circumstances for the last ten months,  
in respect to his family. Has received word from Upper Canada of the  
severe indisposition of his wife arising from anxiety as to the circum-  
stances. Asks, therefore, as a matter of humanity, whether he may  
expect a judicial appointment. 460  
*Enclosed.* Eldon to Willis. Believes that the opinion of Willis was  
perfectly honest. Had too often, he feared, himself formed an erroneous  
opinion in his judicial capacity. Does not know the judge who, if error  
be fatal to his prospects, could abide such a test. 462  
April 28, London.  
N. Gould to Murray. Sends a second newspaper notice of the Marmora  
Iron works. 230  
*Enclosed.* Account of industries in Upper Canada, extract from the  
*Morning Post*. 231

Q. 3

SES

May  
ClouMay  
YorkMay 5,  
LondonMay 6,  
LondonMay 8,  
Perth.May 11  
LondonMay 12,  
London.

8c

76 to 379  
ves. 380  
stmaster  
256  
of half-  
Duke of  
257  
Thomas  
interests  
423  
to call  
e Grand  
1  
to dam  
2  
ting the  
4  
pecting  
5  
by Mer-  
l by the  
7  
ene Bay  
decided  
10  
of the  
delivery  
223  
works  
225  
ps to be  
obtain a  
215  
is to be  
66  
y state-  
e settle-  
67  
as been  
esses his  
137  
er from  
e to his  
a fresh  
months,  
a of the  
circum-  
e may  
460  
lis was  
oneous  
f error  
462  
armora  
230  
om the  
231

## SESSIONAL PAPER No. 8c

1829.  
May 3,  
Clough.

May 4,  
York.

May 5,  
London.

May 6,  
London.

May 8,  
Perth.

May 11,  
London.

May 12,  
London.

Willis to Murray. The illness of his wife again induces him to inquire if he intends to recommend him (Willis) for a judicial appointment. His wife was taken ill at a reception by Sir John and Lady Colborne and the gentlemen whose acquaintanceship was imputed to him for a crime, Mr. Baldwin and Dr. Rolph were also present. Page 464

Strachan to Murray. Informs him that he had sent a letter for the Ecclesiastical Board respecting King's College. The notice taken of the college in the report of the select committee imposes on him the duty of stepping forward for its defence, and stating such facts against any alteration in the charter as seem conclusive. Although speaking the mind, he believes, of the college council, yet he alone is responsible for the communication to the board, and desires to draw attention to it as impressions injurious to King's College have been industriously propagated and alterations suggested which would entirely change its religious character. The Archbishop of Canterbury declined to assent to a charter so open in its provisions as the one first proposed. It appears to him the most liberal charter that could be admitted and the secretary of State when it was granted declared that he had gone to the limit of concession. In New Brunswick a similar charter has been received by the people and legislature almost with acclamation. Why such a reception was not given in Upper Canada will be found in his letter. As only the Imperial Parliament can change the charter, hopes it will be given a fair trial; if after being ten years in operation it does not become the most popular institution in the province he shall be among the first to pray for alterations. The whole legislature would have rejoiced in a charter so liberal when they granted in 1820 the privilege to the University to be represented in the Assembly and to be constituted like the English universities. Entreats therefore for a few years to give the charter a fair trial and to remove the discouragement thrown on the proceedings prays that he (Murray) would express his desire to the government of the province to erect forthwith the necessary buildings for the University to have the business of instruction begun with the least possible delay. The Lieut. Governor (Colborne) is a sincere friend of the church. 395

Campbell to Murray. Sends remarks favourable to Colonel Covert who is to be introduced by Wilmot Horton. 139

Wellesley to Hay. Introduces Colonel Covert who is of one of the oldest families and emigrated with the Duke of Richmond. 443

Memorial of Corporal James Garvin to Lord Hill stating his services and asking that His Lordship would use his influence to obtain for him a grant of land. 242

Memorial of Covert showing the early difficulties in the way of cultivating hemp and flax. The favourable situation of the district of Newcastle for its cultivation, the want of machinery for the dressing of hemp the great obstacle to its growth, if a proper hemp mill were built at Cobourg, many gentlemen would patronise the undertaking. He (Covert) possesses the only mill seat in that neighborhood and is willing to build a mill if government would build a store house to receive the hemp. By his influence and training he could teach the farmers to engage in the cultivation. He would undertake the duty at any remuneration government might think fit to grant and would be satisfied with the appointment of collector and inspector of hemp. 141

Memorandum for memorial. 146

Copy of letter from Chief Justice Campbell. 147

Covert to Hay. Besides his former proposals, he contemplates establishing a linen or hempen manufactory. Shall attend appointment with him (Hay) to-morrow. 150

63 VICTORIA, A. 1900

1829.  
May 14,  
London.

Whitlow to Hay. Asks for second interview on the subject of John Walpole Willis, who is suffering great inconvenience from his present position. Hopes that something may be done for his relief. His brother, Rev. W. Willis, has come from Bath on account of his brother but must return on Sunday for the service. Page 444

May 15,

Receipt by Chief Justice Campbell for two bags of dispatches, 149  
Wesleyan Missionary Society to Murray. Pray that the Royal assent may be given to the bill authorizing in Upper Canada the marriage registers by Wesleyan missionaries. 80

May 26,  
Whitehall.

Lack to Hay. In answer to application from Covert respecting the cultivation of hemp in Upper Canada. Refers to letter to Burlingham of 9th December, on the same subject. 26

June 1,  
London.

Covert to Murray. Waives all claim for remuneration for erection of mill and offices for the manufacture of hemp. It would be desirable to make the new part of Cobourg a depot for the reception of hemp. 152

June 1,  
London.

Talbot to Hay. Had been obliged to go to Hampton Court. Hopes the enclosed will answer and will call to-morrow at 2 o'clock. 419

Enclosed. Talbot to Hay. Applies for two assistants at a salary of £150 each for the settlement of the land in the London and Western districts and a salary of £200 for himself to cover unavoidable expenses. 420

June 2,  
Clough.

Willis to Murray. Having received intimation not to consider him (Murray) as having entered into any engagement to give him a judicial position he must therefore resume his practice, but this he cannot do owing to events connected with the Colonial department. Asks that the prejudicial consequences may be averted. 487

June 10,  
Clough.

Same to the same. Thanks for his communication. Assures him that he never would suppose that he had acted otherwise than his official duties required. The injurious reports are the imputations which must ever attend the person who has the misfortune to be degraded by His Majesty's government. Laments that after the detailed statement of his conduct, the recent address of the Assembly and the testimony of Lord Eldon he (Murray) should consider him as unfit for further judicial employment. Was not heard on the merits but on the legality of the removal, but he had hoped that some justice would have been one to the integrity of his motives. Urges his appointment to a judicial position in some other colony and cites the case of Judge Thorpe promoted from Upper Canada to a higher judicial position in another colony. Cannot believe that he will be left to be totally ruined for doing what he conceived to be his duty. 469

June 15,

Statement on Colonial government in Upper Canada in *National Gazette*. Enclosed in Douglas to Hay, 17th July, 1829.

June 16,  
Sligo.

Madden to Colonial Secretary. Having heard of the death in Upper Canada of a person called Madden, desires further information to enable his brother, if the supposition is correct, to prove his claim. 258

June 16,  
Hayes,

John Smith junior to Hay. Sends memorial on the unexplored territory in Upper Canada, with testimonials to be laid before Murray. 399

Enclosed. Memorial of John Smith, jr., respecting the waste lands of the Crown, whose value has been overrated to the injury of the province. 400

June 18,  
Clough.

Willis to Murray. Again urges the necessity of his case and that even a temporary employment, if immediate, would relieve his present difficulties. 465

June 19  
London.

Willan to the same. States the case of his brother who resigned his office of clerk of the Assembly in Quebec, to which he had been appointed by Dalhousie, in consequence of the claim by the speaker to make the appointment. His brother now applies to be made Attorney General of Upper Canada, his qualifications. 446



of John  
s present  
ief. His  
s brother  
Page 444  
es. 149  
al assent  
marriage  
80  
eting the  
rlingham  
26  
erection  
sizable to  
ap. 152  
Hopes  
419  
salary of  
Western  
expenses.  
420  
ider him  
a judicial  
cannot do  
asks that  
437  
him that  
is official  
ich must  
d by His  
ement of  
imony of  
her judi-  
ty of the  
one to  
judicial  
orpe pro-  
another  
ined for  
469  
National  
n Upper  
to enable  
258  
red terri-  
ay. 399  
lands of  
the pro-  
400  
hat even  
ent diffi-  
465  
igned his  
ppointed  
ake the  
eneral of  
446

## SESSIONAL PAPER No. 8c

1829.  
June 22,  
New Street,  
Opinion of counsel (Scarlett) that the jury in the case of Francis Collins were justified in bringing in a verdict of guilty and there is no objection to the directions of the judge. Page 56  
Second opinion of counsel signed by Scarlett and Sugden to the same effect. 58
- June 23,  
War Office.  
Sullivan to Hay. Desires to be informed of the salary and emoluments of Lieut. Jarvis, half-pay 104th foot, now junior judge of an inferior court in the Ottawa district. 74
- June 24,  
London  
John Smith, jr., to Murray. Had on the 18th instant (16th) sent a memorial on the waste lands of the Crown in Upper Canada pointing out its limited resources in lands fit for settlement and the injurious effects of a contrary opinion and tendered his services were an exploratory survey to be determined on. He had accompanied the memorial with various testimonials. Is desirous of returning at the most favourable season for surveying. 405
- June 27,  
Hayes.  
The same to Hay. In accordance with instructions he has sent a duplicate of his memorial. Has no duplicate of the testimonial. 407
- June 29,  
Treasury.  
Stewart to the same. The Lords of the Treasury concur in Kempt's proposal to discontinue the establishment at Lanark and to appoint a person to collect the debts due by the settlers to the Crown. 68
- June 29,  
York  
W. L. Mackenzie to Colonial Secretary. Transmits statement of affairs in Upper Canada for which he desires acknowledgement, as evidence that men of rank and influence were not ignorant in 1829 of causes of discontent in Upper Canada. 259  
(For statement see 15th June, page 30).
- June 30,  
Kingston.  
Memorial of George Smith. States his services in the marine and throws himself on the justice of his country. 408  
Enclosed. Certificate and appointments. 411
- July 7,  
War Office.  
Sullivan to Hay. Desires to know the income of Capt. Josias Taylor, half pay of the Canadian fencibles and if any and what pay he receives for other offices. 75
- July 9,  
Lincoln's Inn.  
Metcalf to Twiss. Asks for the names of three persons in Kingston (Canada) to take the acknowledgement of Mrs. Col. Roberts respecting the surrender of copyhold property. 260
- July 9,  
London.  
Powell (ex-Chief Justice) to Hay. Offers to bear any commands to Canada. States the circumstances of his resigning the offices of Chief Justice and speaker of the Council; he did not resign the offices of member of the two Councils but he has not been summoned since his resignation of the speakership; asks for a continuance of his salary as member of the two Councils. 263
- July 11,  
London.  
Bastable to Murray. Transmits letter from Lord Donoughmore; it has been held over partly from delay in Ireland and partly from his desire to see if any plan of emigration to Canada would be resolved on. 112
- July 17,  
Foreign Office  
Douglas to Hay. Sends copy of a paper containing strictures on the colonial government in Upper Canada. 27  
Enclosed. Gilbert Robertson to Aberdeen. Transmits newspaper containing strictures on the government of Upper Canada, furnished, he has reason to believe, by an inhabitant of Upper Canada, and published in a paper which is ready to publish anything that may injure the government of Great Britain or her colonies. The province contains many illdisposed persons some of whom resort to Washington, these being chiefly editors of newspapers. A lookout for such persons would be a wise precaution. 28
- Communication signed A. B. to the National Gazette, Philadelphia. 30
- Editorial comments. 51



63 VICTORIA, A. 1900

1820.  
July 18, Horse Guards. Fitzroy Somerset to Hay. Sends petition from James Garvin late Corporal, Royal Artillery for a grant of land in Upper Canada for his son John Garvin. Page 17
- July 20, Edwardsburg. Memorial of Richard D. Fraser states the services of himself and officers of his regiment during the war of 1812 and prays for half pay for himself and them. 216
- July 20, London. Kelly to Hay. Reports the death of Mrs. Alicia Campbell and asks that the Receiver General be directed to pay the amount of pension due at her death. 251
- July 22, London. *Enclosed.* Certificate of the death. 252
- July 22, London. Seguier to Twiss (in French). Had applied for information respecting certain documents required by the family of Louis Lombard Decha-zeau who died at Detroit. Now renews the request. 416
- July 29, Ordnance. Bynum to Hay. Transmits letter to Colborne representing the great increase that would arise to the Crown revenues by granting leases of land set apart for military purposes not immediately required. A report has been ordered from the Ordnance Officers at Kingston. 60
- July 30, War Office. Sullivan to the same. Desires to know the date of Capt. McMillan's appointment to be registrar of Carleton County and the amount of his income. 76
- August 3, Whitehall. Sidmouth to Richmond. Transmits letter which ensures the accom-  
plishment of its object. Bastable prepared for the project of emigration better than most people. 113
- Enclosed.* Arden to Sidmouth, recommending Bastable. 114
- Dalhousie to Bastable. The difficulty of obtaining a situation in Canada, very few being at the disposal of the governor and these he tried to distribute impartially by promoting officials who had done their duty faithfully. 115
- Dalhousie to Bastable. The difficulty of obtaining suitable lands, no considerable tracts fit for the acceptance of a gentleman being in the power of the government of either province to give. No hope of a gov-  
ernment situation. 117
- Memorial of A. Bastable late of Kingston. 119
- August 5, London. W. A. Clarke, late of Newfoundland to Hay. Returns letter delivered to him by mistake. 214
- August 6, Treasury. Stewart to the same. The memorial of the Presbyterian Church of Kingston for aid to discharge a debt incurred in building the church by providing pews for the forces cannot be granted. 69
- August 7, Treasury. Same to the same. The Lords of the Treasury cannot admit that Mrs. Ridout has any claim for a pension. 71
- August 11, Bath. Willis to Murray. Inquires if he is to encourage the hope that he is to receive any colonial appointment. If he still retains his opinion expressed in letter of 5th June, it would be ruinous to his (Willis') pro-  
fessional prospects; asks for specific grounds and reminds him of a pre-  
vious favourable opinion. Encloses letter from Stephen. 473
- August 24, Ordnance. Butler to Hay. The Board of Ordnance is often obliged to purchase lands for military purposes in Upper Canada. The rents derivable from lands leased may be applied to the repayment of sums expended for lands purchased. 61
- August 25, Clough. Willis to Murray. As the return of his family from Canada must be settled before winter renders the passage impracticable he desires to know explicitly if he is to return to Canada in an official capacity. The injurious report that he has to practice at the bar there. Applies also in consequence of letters from the Governor and Lieut. Governor, hoping that his family would not leave Canada. The expense of a voyage for females especially is too serious and he believes that if the case were duly represented to the highest authority Lady Mary Willis would be

## SESSIONAL PAPER No. 8c

1829.

August 28,  
Clough.

treated with the respect due to her rank, family and present circumstances.

Page 478

August 31,  
Office for  
taxes.

Willis to Murray. Regrets that after the letters of Lords Eldon and Goderich, the evidence of Stephen regarding the equity patent and Horton's statement that the salary was to date from the 14th July, 1827, the salary should be altogether denied him. Desires to know the grounds of his opinion that he (Willis) has failed in the exercise of calm discretion and sound judgment, and whether that opinion is held in his private capacity or as colonial secretary. Desires also to know if the address on the subject from the Assembly of Upper Canada has been presented to His Majesty.

475

August 31,  
Clough.

Sayer to Hay. Has been informed that Chief Justice Powell has returned to North America. Murray will communicate with him respecting his taxes. Sends copy of letter the board has sent to Powell.

83

August (?),  
Office for  
taxes.

Willis to Murray. Has much pleasure in having the private character of the correspondence removed and that it is now made official. Gives a chronological account of the circumstances under which he went to Canada and subsequent occurrences. The letter is substantially a defence of his course whilst on the Bench in Upper Canada and maintains the correctness of the judgment for which he was removed. Even if there was an error in that judgment it did not, he holds, justify his removal.

481

Sayer to Twiss. Applies for the address of Chief Justice Powell on account of arrears of taxes.

82

September 12,  
Clough.

Willis to Murray. Calls attention to his official letter of the 31st of last month. From the system of conducting business the address of the Assembly may not have been laid before the King. That J. B. Macaulay, who ceased to be a judge in consequence of his (Willis') appointment should have been reinstated is not the least remarkable circumstance in this extraordinary case.

498

September 14,  
York.

Carey to the same. How a hollow square can be broken by cavalry.

154

September 14,  
Clough.

Willis to the same. Has received letter that there is no advantage in discussing further the question raised in his (Willis') letter of the 31st August. Repeats his demand for investigation and to be informed as to whether the address of the Assembly of 4th March was laid before the King.

500

September 21,  
Horse Guards.

Fitzroy Somerset to Hay. Transmits petition from Francis Boucher, of Kingston, Upper Canada.

18

Enclosed. Petition for a pension.

19

Certificates.

21 to 23

September 22,  
Clough.

Willis to Murray. Asks officially if it is intended to give him the information asked for. His case bears a strong similarity to that of Justice Grant of Bombay and that of Captain Dickenson and he (Willis) is convinced that if he can obtain a fair investigation there would be a similar result. Asks for an early official answer.

502

September 26,  
Bath.

Rev. W. D. Willis to the same. The unhappy state of his brother now his wife has been seduced by an officer named Bernard of the 68th regiment. The most bitter opponent might be satisfied at his fate, as his ruin has been completed and this last blow has intensified his suffering. He must be remunerated some time, if all justice has not departed. If it is necessary for the discipline of colonial officers that his brother should be punished that has been accomplished to the full. Applies for an appointment to his brother, as some reparation commensurate with his aggravated deprivations.

448

63 VICTORIA, A. 1900

1829.  
September 28, Clough. Hamilton to Murray. Reports the elopement of Lady Mary Willis, wife of Judge Willis, which the judge thinks it right to communicate. Page 249
- October 25, Antrim. Memorial of Patrick McCathrine in answer to advertisement for the heirs of Richard Madden who died at Death, Upper Canada. 261
- October 31, Kingston. Barrie to Navy Board. As Drummond Island is to be evacuated and the troops, stores, etc., there are to be removed to Penetanguishene, he will make arrangements for housing the stores, etc., and for accommodating the troops. 11
- November 7, Clough. Willis to Murray. For a copy of the evidence taken by the Assembly of Upper Canada on his judicial conduct. 504
- November 30, Clough. The same to the same. Asks that a copy of the evidence taken by the Assembly of Upper Canada on his case be sent to the Isle of Man to which place he is going. Comments on the delay in the receipt of proceedings of the provincial Parliament. 505
- December 2, Admiralty. Barrow to Hay. Orders have been sent to Barrie to make the best cash bargain he can for the reserve land near Kingston intended for saw mills. 13
- December 2, Ordnance. Byham to the same. The land applied for by the Roman Catholic Congregation of Niagara to be used for a burying ground has not been transferred to the Ordnance and therefore the application cannot be considered by that board. It is reported by the Respective Officers that the reserved land asked for has been laid out in streets and building lots; measures should be taken to prevent further proceedings of this sort. 63
- December 5, Treasury. Stewart to the same. Under the peculiar circumstances the Lords of the Treasury consent to Mrs. Claus receiving a pension of £70 a year from such revenues of Canada as are subject to His Majesty's appropriation contingent on the approval of Murray. 72
- December 5, London. Coutts & Co. to the same. Shall as instructed not honour any more bills drawn by Claus on account of Sir John Johnson for the Six Nation Indians till further instructions. 155
- December 5, York. Peter Robinson to the same. Sends return of the sales of clergy reserves from 1st April to 30 June. The return sent to 31st March, will include the half year. 389
- Enclosed. Return of the sales of clergy reserves. 390
- December 5, York. Peter Robinson to Hay. Points out an error in the charge for contingencies. The sum of £270 was paid to him to defray the expense of building a mill at Peterborough, to be paid out of the sale. The mill was sold for £2,500 having cost £2,000. The £200 advanced in March 1828 and the £300 in October following were absolutely necessary to enable him to defray the contingent expenses of the office so that he retained no portion of the money coming to his hands as authorised but paid it over to the Receiver General. The accounts will show that the contingencies were for survey of woods and for the sale of clergy reserves, those for Crown lands only forming a portion of the £500 charged for contingencies. 386
- Enclosed. Statements of sums paid and warrants drawn by Peter Robinson, Commissioner of Crown Lands. 388
- December 7, Windsor. Order in Council appointing Joseph Wells to be a member of the Council of Upper Canada. 24
- December 7, Windsor. Order in Council appointing John Elmsley to be a member of the Council of Upper Canada. 25
- December 7, York. J. B. Robinson to Hay. Has sent a larger packet than usual to his correspondent. Shall write Wilmot Horton shortly. 278
- December 15, Isle of Man. Willis to Murray. Acknowledges letter and asks for certain documents relating to his case. 506
- December 22, Admiralty. Barrow to Hay. Sends copy of letter from the Navy Board respecting the growth of hemp in Canada. 14

Q. 353

SESS

18

Variou

No dat

York.

Bath.

1829  
June 30,  
St. Cathar  
September  
York.

## SESSIONAL PAPER No. 80

1829.

*Enclosed.* Navy Board to Croker. Before pronouncing upon the growth of hemp in Canada, it is necessary to have proof of its quality.

Page 15

Various dates. Schedule of papers relating to the claims for losses during the war of 1812. 158

No date. Petition of Thomas Bird for assistance to remove his family and himself to Fort George in Upper Canada. 125

Memorial of Galt respecting the claims for losses in Upper Canada during the war of 1812 and his proposal to settle these by the proceeds from the sale of reserves. 244

York. Peter Robinson to Hay. Sends returns respecting the clergy reserves. 279

(The returns are in Q. 353-2 occupying the whole volume.)

Bath. Willis to —. Solicits the office of Chief Justice of New Brunswick or of the Isle of France which are now vacant. Is encouraged by being told that an application on his part after a few months would meet with respectful attention. Asserts that there has been nothing in his conduct to exclude him from employment. 472

Memorial of Bishop Weld, coadjutor to Bishop Macdonell of Upper Canada, stating the services of Macdonell in Upper Canada since 1804, which led to his appointment as Bishop with annual salary. By information received from Bishop Macdonell the Roman Catholic population is certainly 36,000 in Upper Canada and probably exceeding 50,000. States considerations which he thinks warrant the conclusion that the Roman Catholic Bishop of Upper Canada should have independent of his flock, an income equal in amount to other Roman Catholic Bishops in less extensive colonies. 424

*Enclosed.* Documents in support of the memorial A and B. The second contains a statement of the Roman Catholic population in the different districts of Upper Canada. 433, 435

Note C. 440

Weld to Wilmot Horton. The necessity for more Roman Catholic clergymen to administer the comforts of religion. In March, Bishop Macdonell applied for at least 20 clergymen in consequence of the great increase of Roman Catholics, but he found in May that double that number would not be sufficient, having in different parts of the province found hundreds of Roman Catholics where he did not expect to find one. The want may appear more urgent when it is observed that Methodist ministers are coming to Canada from the United States. The inadequacy of the amounts allowed to Roman Catholic clergy and to the Bishop. Dr. Buckley in Trinidad and Dr. Seater in the Isle of France each receive £1,000 a year, though their expenses cannot be so great as Bishop Macdonell's. Has a notification of his (Macdonell's) appointment as a diocesan Bishop having been made to the Governor and Lieut. Governor. 433 to 442

LT. GOV. SIR J. COLBORNE, 1830.

(For private letters from Colborne to Hay see Vol. Q. 195 A.)

## Q. 354.

1829.

June 30. Report by Alfred Barrett, principal engineer. Enclosed in Colborne to St. Catharines. to Murray, 10th March, 1830.

September 30. Notes of Judge Macaulay on the case of Benjamin Ward. Enclosed in Colborne to Murray, 20th May, 1830.

York.

63 VICTORIA, A. 1900

1830.  
January 11,  
York.

Colborne to Murray (No. 1). In reference to the disallowance of the bill to allow William W. Baldwin to carry into effect the will of Quetton St. George, sends the observations of Baldwin by which it appears that his accounts as trustee had been subjected to strict examination. Baldwin represents the embarrassment that will be produced from the want of legal authority which he hopes will be obviated by the Lieut. Governor being permitted to cooperate with the other branches of the legislature for the reenactment of the bill with such additional securities as may be deemed proper.

Page 1

*Enclosed.* Baldwin's explanations and other documents relating to the subject.

3 to 49

January 18,  
York.

Colborne to Murray (No. 2). The Legislature opened; sends copy of his speech.

50

*Enclosed.* Speech.

51

Address by the Legislative Council.

54

Address by the Legislative Assembly.

57

January 20,  
York.

Colborne to Hay (private). Sends the address of the Assembly to show the grounds of their claim to control the duties collected under 14 George 3rd. They are similar to those in the lower province and if the control of the Crown is removed in Lower Canada the same concession must be made in Upper Canada. Does not apprehend disturbance of the peace for some years or any great excitement produced by the efforts of a licentious press, but owing to the character of the discussions in the Assembly and other disturbing elements the good feeling of the province will be gradually undermined. The publication of Maitland's correspondence has given the factions an advantage they did not expect. Doubts if the composition of the Assembly will materially change. Of the constitutional change proposed would prefer the union of all the provinces, it would get rid of the effects of universal suffrage and the bad consequence of the influence of the little demagogues. It would perhaps create a feeling of national pride which would attach the people to their institutions.

63

January 25,  
York.

Colborne to Murray (No. 3). Transmits memorial from the Presbyterian ministers of Upper Canada not connected with the Church of Scotland for share in the advantages enjoyed by those authorized to receive them.

65

*Enclosed.* Memorial.

66

January 26,  
York.

Colborne to Murray (No 4). Sends by request of the inhabitants of the district of Gore memorial respecting a commercial treaty with the United States.

69

*Enclosed.* Resolutions against the admission of the United States to the trade with the West Indies and against the duties of twelve and a half cents a bushel levied on the salt made at Onondago by which the people of Upper Canada are made to contribute to the expense of building the Western Canal from which they derive no benefit.

70

February 4,  
York.

Colborne to Murray (No. 5). Has received instructions to discontinue the office of private secretary and to reduce several of the departments. These reductions have apparently been made without previous information. He would remark on this for his (Murray's) consideration. The office of the private secretary absurdly so called, is the one through which the whole business of the province is carried on and the duties are all of a public nature; their nature detailed. The duties of the secretary and registrar.

75

*Enclosed.* Cameron to Mudge. Gives in detail the duties of the secretary and registrar.

79

Statement signed by Baby, Inspector general, of the expenditure for 1828 and of the estimated expenditure for 1829 and 1830.

84



f the bill  
 tton St.  
 that his  
 Baldwin  
 want of  
 overnor  
 legislature  
 may be  
 Page 1  
 ating to  
 3 to 49  
 copy of  
 50  
 51  
 54  
 57  
 mbly to  
 nder 14  
 d if the  
 ccession  
 ance of  
 e efforts  
 s in the  
 rovince  
 corres-  
 expect.  
 ge. Of  
 all the  
 the bad  
 perhaps  
 to their  
 63  
 Presby-  
 urch of  
 ized to  
 65  
 66  
 ants of  
 ith the  
 69  
 ates to  
 e and a  
 ich the  
 f build-  
 70  
 discon-  
 depart-  
 revious  
 eration.  
 through  
 duties  
 of the  
 75  
 e secre-  
 79  
 ure for  
 84

## SESSIONAL PAPER No. 8c

1830.  
 February 8,  
 York. Chewett, acting surveyor general to Colborne. Enclosed in Colborne to Murray, 19th March, 1830.  
 February 13,  
 York. Colborne to Murray (No. 6). Transmits list of the members of the Executive and Legislative Councillors. Page 85  
*Enclosed. Lists.* 86 87  
 February 16,  
 York. Colborne to Hay. Sends return of the price of wheat and other grain at York from July to December. 88  
 February 27,  
 York. Table of duties on wheat, flour, &c.  
 March 6,  
 York. Report of the directors of the Welland Canal.  
 March 6,  
 York. Address of the Assembly. This and the two preceding enclosed in Colborne to Murray, 10th March, 1830.  
 March 10,  
 York. Colborne to Murray (No. 7). Transmits documents respecting the progress of the Welland Canal. The directors petition for one ninth of the estimated cost of the Canal, agreeably to Bathurst's dispatch of 30th September, 1826. The legislature has granted £25,000 additional, so that vessels may be able to pass through in May next. Yates of New York goes to London to raise a sum sufficient to ensure the completion of the work. Introduces and recommends him. 89  
*Enclosed.* Report by the directors of the Welland Canal, John H. Dunn president, of the progress made in construction, its requirements, etc., and praying for one ninth of the cost. 91  
 Report by Alfred Barrett, principal engineer, on the subject of removing the dam on the Grand River. 95  
 Address of the Assembly for the payment of one ninth to the Welland Canal Company as promised in Bathurst's dispatch. 98  
 Other documents. 100 to 108  
 March 12,  
 York. Report from the Executive Council. Enclosed in Colborne to Murray, 19th March, 1830.  
 March 15,  
 York. Colborne to Murray (No. 8). The session of the provincial parliament closed on the 6th instant. Sends copy of his speech. 109  
*Enclosed.* Speech on closing the session. 110  
 March 19,  
 York. Colborne to Murray (No. 9). Sends copy of report of the Executive Council on the retrenchments ordered in the departments and a statement from the acting Surveyor general on the proposed reduction in his department. 113  
*Enclosed.* Report from the Executive Council on the different departments. 114  
 Report of the acting Surveyor General that the reduction ordered cannot be complied with except to the detriment of the service. 129  
 March 18,  
 York. Colborne to Murray (No. 10). If the lands near York and on the Niagara frontier were leased they would probably in a few years produce about £1200 per annum. The proceeds would go but a small way to meet the expenditures of the Ordnance for the works of defence. The proceeds from leasing Crown lands should go to the credit of territorial revenue which is uncertain and insufficient to provide for the annual expenditure. 131  
 Same to the same (No. 11). In view of the importance of the school, proposes that the Minor College should receive government assistance in various forms and that the schools shall also be supported. No pupils now at the Minor College will be prepared for Kings College for three years but two professors might begin lectures immediately. 133  
*Enclosed.* Address from the Legislative Council on the College. 135  
 March 19,  
 York. Colborne to Murray (No. 12). The expenditure of the Canada Company which produced advantages to the country has been stopped and the agents are now merely authorized to sell lands. The sales in the Huron tract were 114,598 acres and in December last a patent was completed for 23,156 acres. The clergy reserves sold before the 31st



63 VICTORIA, A. 1900

1830.

December, 1829, were 18,014 acres, producing £13,229 currency, an average of 14s. 8½d., a price so much beyond that generally obtained for waste lands, that it is evident the most of the reserves were leased and not intended to be sold by the original agreement. The present regulations are more favourable to the company than when the charter was granted. The advantage to the company from the encouragement given by government to emigrants settling. Those placed in Otonabee, Asphodel, Smith, Douro, Emily and Ennismore, at the expense of government have improved the lands belonging to the company in the New Castle district at least 100 per cent whilst the company has expended nothing, so that the failure is due to excessive establishments, and not to neglect of government, so that capitalists would take over the Huron tract and clergy reserves on the terms the company paid and give 5 per cent for the sums advanced.

Page 140

March 22,  
York.

Colborne to Murray (No. 13). Transmits memorial from Major Secord for favourable consideration. 143

*Enclosed.* Memorial from Major David Secord stating his services and losses; the delay in making these up have reduced him to indigence, so that he is now forced to apply for compensation for his losses, which he would not otherwise have done. 144

March 23,  
York.

Colborne to Murray (No. 14). Sends address from the Assembly on the commercial interests of the province and on the apprehension that the United States are to be permitted to have direct trade with the West Indies and the free navigation of the St. Lawrence. 147

March 24,  
York.

*Enclosed.* Address. 149

Colborne to Murray (No. 15). Transmits address from the Legislative Council on commercial matters and on the removal of restrictions on trade between the United States and the West Indies and their admission to the free navigation of the St. Lawrence. 152

March 25,  
York.

*Enclosed.* Address from the Legislative Council. 154

Colborne to Murray (No. 16). Transmits address from the Assembly for the reduction of duty on spirits from the United States to three pence per gallon. 160

*Enclosed.* Address from the Assembly praying for the reduction of duty on spirits from the United States to put an end to illicit trading. 162

March 26,  
York.

Colborne to Murray (No. 17). Sends copy of address to him from the Assembly respecting address to the King transmitted by him on 4th April, 1829. 163

*Enclosed.* Address to Colborne to call the attention of the Colonial Secretary to the address to the King passed last session relating to the judiciary. 164

March 27,  
York.

Colborne to Murray (No. 18). Sends an address from the Assembly asking for journals of the Imperial Parliament and reports on emigration and Canadian affairs. 166

April 8,  
York.

*Enclosed.* Address of the Assembly to Colborne for journals, &c. 167

April 12,  
York.

Colborne to Murray (No. 19). Forwards copies of bills passed at last session. 168

Same to the same (No. 20). Forwards memorial from Ironside, Indian Superintendent at Amherstburg for leave to retire with a pension. His former zealous services, but is now unfit for the situation from his age and infirmities. Recommends George Ironside, jr., to succeed to the office. 169

April 13,  
York.

*Enclosed.* Petition of George Ironside. 170

Colborne to Murray (No. 21). Sends communication from the Inspector General of Accounts for Acts of the Imperial Parliament relating to the trade of British North America. The inconvenience caused by their not being received. 172

SESSION  
1830.April 14,  
SandwichApril 15,  
York.April 16,  
York.April 22,  
York.May 3,  
York.May 5,  
York.May 6,  
York.May 10,  
York.May 13,  
Raleigh.May 18,  
York.May 20,  
Kingston

## SESSIONAL PAPER No. 8c

	1830.	<i>Enclosed.</i> Baby to Mudge on the subject referred to. Page 173
April 14, Sandwich.		Memorial of the Magistrates, &c., of the Western district. Enclosed
April 15, York.		in Colborne to Murray, 5th June, 1830.
April 16, York.		Colborne to Murray (No. 22). Forwards memorial from Chewett, for leave to retire on a pension for his long services. 175
		<i>Enclosed.</i> Memorial from Chewett. 176
		Colborne to Murray (No. 23). In reply to dispatch of 20th December last, sends information respecting Crown reserves on the Niagara frontier. Recommends that the whole of the reserves should be gradually leased for ten or twenty years. 178
		<i>Enclosed.</i> Extract from letter from Haldimand, dated 29th March, 1784, with tracing of garrison line. 180
		Philpotts to Mudge. Sends extract from letter from Vavasour with authority of Maitland to take part of the military reserve at Fort George. 182
		Vavasour to Durnford, extract. 183
April 22, York.		Colborne to Murray (No. 24). Sends statement from the Executive Council, respecting the expediency of lodging the public records in a secure place. Proposal to erect a building with offices for the different departments and how the expense may be defrayed. 185
		<i>Enclosed.</i> Report from Executive Council on the propriety of having the departments in one building and having the public records securely placed. 186
May 3, York.		Colborne to Murray (No. 25). Has thought it expedient to make some changes in the proposed appointments to the Legislative Council and sends list of those now recommended. 191
		<i>Enclosed.</i> List. 192
May 5, York.		Colborne to Murray (No. 26). Sends explanation from the Receiver General respecting a double charge made in his accounts for 1826 and 1827. 193
		<i>Enclosed.</i> John H. Dunn, Receiver General, to Mudge. Explains the nature of the double charge. 194
May 6, York.		Colborne to Murray (No. 27). The Surveyor General has carefully examined the records of his office for the extent of Crown reserves. No reserves were set apart for military purposes by the King, but certain tracts were reserved by the local government. Statement respecting reserves at Niagara and elsewhere. Recalls his suggestion that the reserves at York and Niagara might be made profitable and that the proceeds should be transferred to the territorial revenue. Last year 5,000 acres were set aside in the township near Penetanguishene. 195
		<i>Enclosed.</i> List of persons receiving grants of land set apart at Niagara in 1784. 198
		Order dated 11th September, 1783, to set aside lands at or in the neighbourhood of Cataragui for the settlement of loyalists. 199
May 10, York.		Colborne to Murray (No. 28). Transmits memorial from the parish- ioners of St. James' Church for help to erect a new church. Recom- mends that as it is two miles distant from the fort and the soldiers can- not always attend it, it would be better to build a chapel for the use of the soldiers. 201
		<i>Enclosed.</i> Memorial for assistance towards erecting a new church in which accommodation would be provided for the soldiers. 202
May 13, Raleigh.		McCrae to Mudge. Enclosed in Colborne to Murray, 5th June, 1830.
May 18, York.		Colborne to Murray (No. 29). Sends copies of the Acts passed last session. 206
May 20, Kingston.		Certificate of Fort Major Corbett. Enclosed in Colborne to Murray, 18th August, 1830.

63 VICTORIA, A. 1900

1830.  
May 20,  
York.

Colborne to Murray (No. 30). Has received dispatch with conditional pardon to Benjamin Ward. As the judges had reported that the crime was not murder but manslaughter he had recommended a commutation to transportation for life, but not in this instance to Bermuda. Returns the conditional pardon and encloses extract from Judge Macaulay and observations from the Attorney General. Page 208

*Enclosed.* Notes of Judge Macaulay on the case of Benjamin Ward. 209

Attorney General's report. Points out discrepancies between the sign manual and the dispatch in the case of Benjamin Ward. Points out the excessive punishment to which Ward is to be subjected although the judges believed it was in reality only manslaughter. 211

June 5,  
York.

Colborne to Murray (No. 31). Transmits memorial from the inhabitants of the Western district for a reduction of the duty on Canadian tobacco. 214

*Enclosed.* McCrae to Mudge. Transmits a memorial from the inhabitants of the Western district for a reduction of the duty on Canadian tobacco. 216

Memorial of the principal inhabitants of the Western district for a reduction of the duty on Canadian tobacco. 218

June 7,  
York.

Colborne to Murray. The Bishop of Quebec desires to fix his residence at York during part of the year. Recommends that £180 be allowed for rent. The benefit his presence will be to the upper province. 223

June 16,  
Kingston.

Memorial of Edward Walker. Enclosed in Colborne to Murray, 18th August, 1830. 224

June 23,  
York.

Colborne to Murray (No. 32). Transmits "Blue Book" for 1829. 224

July 1,  
York.

Same to the same (No. 33). Trustees for the Indians of the Grand River appointed in room of Claus. The trustees will draw for the dividends now due. 225

August 18,  
York.

The same to the same (No. 34). Forwards memorial from Edward Walker of Kingston, who served during the late war. 227

*Enclosed.* Memorial of Edward Walker stating his services and wounds and praying for a pension. 228

August 19,  
York.

Certificate by Fort Major Corbett of Walker's services. 229

August 26,  
York.

Colborne to Hay. Sends letter and documents respecting the estate of the late Capt. Kregg. 230

The same to the same. Has received letter with memorial from George Crookshank who has been fortunate in being allowed to retain for 27 years the fields he now occupies; the lot for which he petitions could now be sold for £2,000. Crookshank has received 2,000 acres in the province and a town lot in York. 231

*Enclosed.* Statement by Chewett, acting Surveyor General that Crookshank has received, 2,000 acres and a town lot in York. 232

August 28,  
York

Colborne to Murray (No. 35). Refers for decision the claim of the representative of the Comte de Puisaye, to whom a grant of 5,000 acres was authorised in 1798 of which he received 850 but as he left in 1801 he did not receive the remaining 4,150 acres, which, it is thought, cannot now be given to his representative, without reference to His Majesty's government. 233

*Enclosed.* Schedule of papers respecting the claim of the representatives of the late Comte de Puisaye. 234

August 30,  
York.

Documents respecting the claim. 238 to 259

Colborne to Murray (No. 36). Transmits copy of the journals of Assembly from 8th January to 6th March, 1830. 260

September 4,  
York.

The same to the same (No. 37). Transmits memorial from the ministers of the United Presbytery of Upper Canada for a share of the

Q. 35

SESSI  
183Septem  
York.Septem  
York.Septem  
York.Septem  
York.Septem  
York.October  
York.October  
York.October  
York.

condi-  
that the  
commu-  
rmuda.  
Macau-  
ge 208  
rd. 209  
he sign  
out the  
ugh the  
211  
inhabi-  
Canadian  
214  
e inha-  
Canadian  
216  
t for a  
218  
is resi-  
180 be  
er pro-  
223  
y, 18th  
29. 224

Grand  
vidends  
225  
Edward  
227  
es and  
228  
229  
estate  
230  
l from  
retain  
stitutions  
eres in  
231  
Crook-  
232  
of the  
acres  
n 1801  
cannot  
ajesty's  
233  
presen-  
234  
to 259  
nals of  
260  
he mi-  
of the

## SESSIONAL PAPER No. 8c

1830.

- allowances granted to the ministers of the Church of Scotland in the province. Recommends that in any future arrangement their claim may be considered. Page 261
- Enclosed. Memorial.* 263
- September 6, Colborne to Murray (No. 38). Sends copy of the journal of the Legis-  
York. lative Council from 8th January to 6th March, 1830. 266
- September 17, The same to Hay (private). Sends list of persons recommended for  
York. the Council; the names are in the order in which it is desired they should be appointed. The number is large but it may be thought expedient to increase the Council so as to give its proceedings a useful influence in the province. 267
- Enclosed. List of persons recommended for the Council.* 268
- September 17, Colborne to Hay. Sends statement from the Chief Justice in conse-  
York. quence of report that he is not to retain his seat in the Council. The seat is held *ex officio*; the Chief Justice is chairman and most of the business is connected with legal questions occupying a large part of his time. Robinson can have no wish to continue this duty, but the public will suffer considerably should the change take place. 270
- Enclosed. Robinson (Chief Justice). Statement in respect to a discussion in the House of Commons respecting the Executive Council, which is variously reported in different papers.* 271
- Extract from correspondence respecting the Executive and Legislative Councils of Upper and Lower Canada. 280
- September 29, Colborne to Murray (No. 39). Sends statement of grants of land  
York. made to trustees for the maintenance and establishment of King's College. 285
- Enclosed. Minute of the Council of King's College, stating the extent of the grant of land made for its support.* 286
- September 30, Colborne to Murray (No. 40). The objections to the establishment at  
York. Montreal for the instruction of the youth of both the Canadian provinces. The property of King's College is secured to a corporation. The exclusive ordinances of the charter are condemned generally but should they be repealed and the university be conducted on a scale corresponding to the state of the country great advantages will arise if it is established at York or in a central situation, particularly as respects the pupils of the Minor College. The assistance that College ought to receive. 289
- Enclosed. Message of Colborne as chancellor, to the Council of King's College.* 291
- Resolutions of the Council, to unite with Colborne in necessary measures for enabling King's College to answer the valuable ends of its institution. 294
- October 4, Colborne to Hay. Objections of Upper Canadians to a university in  
York. Montreal for the residence of young men completing their studies. It may be difficult to repeal the objectionable ordinances respecting the college of Upper Canada, if so, they stamp the institution as exclusive and give the factions solid objections to its revenues. Has had much conversation with Richards about the system of granting land and how far emigration could be prudently encouraged but they did not agree in their views. Sends paper with most of the points to which he wished to direct attention. 302
- Enclosed. Memorandum on the present state of Upper Canada as respects lands and on the state of education. How emigration might be encouraged.* 304
- October 12, Colborne to Murray (No. 41). Forwards memorial from James  
York. Roach. 311
- October 13, The same to the same (No. 42). Has received dispatch that Iron-  
York. side is not to be allowed to retire on a pension. The inconvenience

63 VICTORIA, A. 1900

1830.  
October 14, York. that will be caused to the Indian department by this decision. The changed condition of the service. Page 312  
Colborne to Murray (No. 43). Reports on the subject of improving the condition of the Indians, and on the condition of the different tribes in detail. Thinks that two or three missions ought to be established by the Episcopal church for the conversion of the Indians. Hopes the selection of the missionaries will not be made by the society for the Propagation of the Gospel as it has been most unfortunate and betrays a carelessness which appears inexcusable. 315
- October 19, York. The same to the same (No. 44). Sends duplicate copy of the journal of Assembly of the first session of the tenth parliament. 319
- November 25, York. The same to the same (No. 45). Sends memorial from the widow of the late Colonel Claus. The family he understands, is in great poverty. 320
- December 27, York. Enclosed. Memorial of Mrs. Claus. 321  
Colborne to Murray (No. 46). In reference to the application of Small, clerk of the Executive Council, cannot recommend either of the arrangements he proposes. Thinks that Beikie should succeed to the office when there is a vacancy. 323
- Enclosed. Minute of the Executive Council that Small is not inclined to act with Beikie as joint clerk. In regard to future succession, Beikie is entitled to favourable consideration. 324
- Memorial of Beikie. 326
- Bathurst to Maitland. That Beikie may act as Small's deputy. 328

## PUBLIC OFFICES AND MISCELLANEOUS, 1830.

## Q.—355.

1829.  
April 7, York. Strachan to the Ecclesiastical Board.
- April 13, York. Strachan to Hamilton. Both enclosed in Hamilton to Murray, 22nd September, 1830.
- September 25, Downing Street. ——— to Smith, Kingston. He must send certificate that the injuries he sustained occurred on service, so that Murray may be enabled to judge how far it is proper to recommend his case to the Treasury. Page 96
- November 10, Kingston. Proceedings of a medical board on the case of W. M. Jarvis of the late regiment of the incorporated militia of Upper Canada. 173  
(The last of the signatures are at page 172 having been misplaced.)  
Richard to the Colonial Secretary. Had applied to the War Office but was directed to send his application to the Colonial Secretary. Prays for relief in his needy circumstances. Sends copy of bearing order. 189
- Enclosed. Memorial with certificate from magistrates and others. 191
- Copy of bearing order. 195
- January 7, Whitehall. William Peel to Twiss. Secretary Peel has laid before the King the papers relative to the case of Benjamin Ward convicted of murder, who has commuted the penalty to imprisonment for life. 6
- January 8, London. Galt to Hay. Clark goes out of town from Monday to Thursday, before which day it is not conceived Murray will fix the interview. 149
- January 8, London. Clark and Galt to the same. Present a memorial on the Canadian war claims and explain the position of the province in respect to the funds required to settle them. 139
- An additional paragraph states that the claims of the people of the United States on precisely the same footing as those in Upper Canada were settled by the general government, no demand being made on the separate states. 141



## SESSIONAL PAPER No. 8c

1830

- January 12, London. *Enclosed.* Memorial by Clark and Galt giving a history of the war claims, the amount now due and praying that the decision may be reconsidered, with a view to the speedy liquidation of the balance. Page 143  
148
- January 19, Castleton. Greenwood, Cox & Co. to Gordon. Desire to know if any part of Hurd's salary as Surveyor General of Upper Canada is payable in London, its amount and by whom issued. 138
- January 26, New York. Willis to Murray. When may he expect to receive copies of the proceedings of the provincial parliament. 228
- January 29, London. Buchanan to Speaker of the Assembly, Upper Canada. Enclosed in Buchanan to Murray, 15th March, 1830.
- February 1, London. Galt to Hay. As Clark is only detained in London for the answer of Murray relative to the Canadian claims asks that it be given. 150
- February 2, Newmarket, U. C. Clark to the same. Calls attention to the memorandum from Chief Justice Robinson recommending the reduction of the duty on whiskey to three pence per gallon, which would increase the revenue, as at present no duty is paid, the whiskey being smuggled. 107
- February 2, Castleton. *Enclosed.* Proposed Act for the reduction of duty on the importation of whiskey from the United States. 108
- February 2, Whitehall. H. A. C. Pilkington to Hay. Has settled in a back settlement. Wild land is no recompense for having sold out. Asks leave to publish the journal of his mission into the interior of Africa. Applies for employment. 182
- February 8, London. Willis to Murray. Repeats his request, not yet answered, for copies of the proceedings of the provincial legislature of Upper Canada. 229
- Phillips to Hay. The punishment of Michael Mason for horse stealing has been commuted; he is to be sent to Bermuda. 7
- Clark to the same. Regrets the decision of Murray relative to the aid to the claimants in Upper Canada for losses by the war with the United States, the more so as he was witness of the sacrifices of most of the claimants. Knows as a member of the Legislative Council, that Upper Canada contributed her utmost towards the cost of the war and at its close borrowed money to provide pensions for the maimed and for widows and orphans. Regrets that Bathurst's proposals were not agreed to, the legislature of Upper Canada passed a bill to give it effect but that bill was not assented to; it was passed by members who had seen the losses and suffering but now the House is differently constituted and he doubts if it will pass a bill for the further relief of the sufferers. Asks, therefore, for reconsideration by Murray. It has been stated that Upper Canada was richer at the close than at the beginning of the war. It might be so, but the claimants made no money as they were serving in the militia or otherwise. Some merchants and some who were lukewarm or disaffected kept aloof, saved their property and made money, causing unpleasant reflections to the loyal. 151
- February 9, London. Coutts & Co. to Murray. Ask for directions respecting bill drawn for £386 by John Claus, trustee for the Six Nation Indians. 109
- February 10, Downing Street. Stephen to Hay. In reference to the claim of Kirby for repayment of horses he was compelled to pay to Ousterhout by a judgment of the courts of the state of New York, he holds that no Act of indemnity being passed by the legislature of Upper Canada the judgment was sound, but that Kirby is entitled to be paid the amount, costs and interests. 14
- February 18, York. P. Robinson to the same. Transmits return of the sales of clergy reserves from 1st July to 31st December, 1829, which with previous return, gives the total sales from 1st January to 31st December, 1829. 196
- Enclosed.* Return from 1st July to 31st December, 1829. 199



63 VICTORIA, A. 1900

1830.  
February 23,  
Castleton. Willis to Murray. Has reason to believe that the documents of which he asks for copies are contained in the journals and appendix to the journals of the Assembly of Upper Canada for 1829. Page 230
- February 24,  
Kingston. George Smith to Hay. Encloses certificate from Baillie, carpenter on board the "Duke of Kent" when he received the hurt, Baillie being the only person on board the ship when he received his hurt. 208  
*Enclosed.* Certificate. 209, 210
- March 1,  
York. W. L. Mackenzie to Hume. Enclosed in Hume to Murray 20th April, 1830.
- March 3,  
Treasury. Stewart to Hay. The Lords of the Treasury agree with Murray and sanction the purchase of lands called Kingston Tanners, contiguous to the proposed new works at Kingston. 28
- March 9,  
Treasury. Dawson to the same. Asks for a letter of introduction to Colborne for the writer of letter enclosed. 29
- March 10,  
Woolwich. Elmsley to the same. Has his appointment to the Executive and Legislative Councils been confirmed? 133
- March 11,  
Treasury. Stewart to the same. Sends extract from auditor's report respecting the second payment of £100 for repairs to the Tolman and Perth roads that the governor may be asked why the amount was twice paid, the first sum having been lost after being paid to the agent for the persons to whom it was due. 30  
*Enclosed.* Extract from the Auditor's report on the subject. 31
- March 11,  
Londonderry. Elizabeth Downie to Murray. Prays that steps may be taken to secure for her the property of her late brother who settled on the Ottawa river, she being his only relative. 129  
*Enclosed.* Certificate that Elizabeth Downie is the lawful sister of Andrew Downie deceased. 131
- March 11,  
Admiralty. Barrow to Hay. Have directions been given to reserve the land in the neighbourhood of Penetanguishene for the Crown and the mill seat for the Navy Board? 1
- March 12,  
Kingston. Byng to Murray. Sends papers respecting the application of George Smith late of the Provincial Marine of Canada. 95
- March 15,  
New York. James Buchanan to Murray. An address having been voted by the Assembly of Upper Canada in which his name has been improperly introduced, lays before him copy of a letter to the speaker to which no answer was returned. Is gratified to find that the provincial papers are coming out in his favour, as he has eight of his family in Canada and has purchased land in Upper Canada. 97  
*Enclosed.* Copy of Buchanan's letter to the speaker. 99  
Article in Buchanan's favour. 101  
Extract from letter from Baldwin to Buchanan. 102
- March 16,  
Downing Street. Elmsley to Hay. He will leave on the 30th and call for Colborne's dispatches on the 29th. 134
- March 16,  
Downing Street. Stephen to the same. Narrates the provisions of the disallowed Act to authorise Baldwin to be trustee for the widow and child of St. George, an alien; regrets that it was disallowed and suggests that it may be reenacted with certain modifications. 19
- March 17,  
Temple. Scarlett to Murray. There is nothing in the law of Upper Canada to prevent the recognition of Dr. McDonell as bishop of Regiopolis so that the warrant for his appointment to the Council may set this forth. 10  
*Enclosed.* Form of warrant. 12  
Form of commission to Dalhousie. 13
- March 28,  
St. Catharines. Merritt to Murray. Supplements the memorials of the Welland canal Company, the one praying for the payment of the one ninth from government the other to remit certain duties on wheat and coarse grain from the United States. The difficulties in which the building up of the canal was involved from the non payment of the amount promised. 177

## SESSIONAL PAPER No. 8c

1830.

April 1,  
York.

Memorial of Crookshanks for the grant of a piece of land near York possession of which he was promised by General Hunter then lieutenant-Governor on condition of the land being improved by him (Crookshanks). The expense he incurred in improving it and the subsequent promises made to him. Page 110

April 2,  
London.

Galt to Hay. Sends documents for Murray. The legislature besides providing for the loan referred to has granted £13,000 to improve roads and a new advance to complete the Welland Canal. 155

April 7,  
York.

Crookshanks to Shaw. Sends certificate for his half pay. Sends also memorial to Murray, copy of a plan of a small piece of land and of a letter from Sir Gordon Drummond, which he asks him to present to Murray, so that he may get an order for the piece of land mentioned in the documents or if not, that he might obtain a lease of it. How the matter had been neglected. 114

*Enclosed.* Plan. 116

Sir Gordon Drummond to Robinson, commissary general. Calls attention to the qualifications of Crookshanks and recommends him for immediate promotion. 116

April 7,  
London.

Connell to Murray. Asks his attention to statement of facts and prays for a subscription for a congregation of the Church of Scotland in Canada towards erecting a building for religious worship. 118

*Enclosed.* Memorial by Connell stating the circumstances of the case and asking assistance to build a church at each of the settlements of Martintown and Indian lands. 120

Certificate respecting the correctness of the facts and the worth of the object. 123, 124

April 9,  
Chandos  
House.

Neunadiney to —. Asks if information could be obtained of the property of Charles Gregg, who died in Upper Canada. A power of Attorney was sent to Lieut. Louis Rendt, but he has not written. 181

April 17,  
War Office.

Sullivan to Hay. Does the appointment of McMillan to be registrar for the county of Carleton with no salary and £18 of fees preclude him from receiving half pay? 37

April 20,  
Hastings.

Hume to Murray. Sends letter for him to read which will show the general state of feeling owing to the mismanagement of the Legislative Council. 163

*Enclosed.* Mackenzie to Hume. Acknowledges benefit of trade under the British government and considers that one favour more will render it impossible to shake the allegiance to Great Britain that is if that country cease to interfere in the domestic economy of the province or to mar the quiet by forcing upon Canadians a Legislative Council. Its composition discussed and its votes against the measures of the Assembly criticised. 164

April 22,  
London.

Galt to Murray. The legislature of Upper Canada has agreed to raise a loan for the liquidation of the war claims; presumes that His Majesty's government will negotiate the loan and offers his services. His past experience. 156

*Attached.* Under Secretary to Galt. Murray not having seen the Act of Upper Canada can give no opinion as to the employment of any person to negotiate a loan. 158

April 23,  
Newark.

Frith to Twiss. Had sent letter to be forwarded to Upper Canada as authorized by Bathurst's order. His letter was to beg Baldwin to dispose of his land to the best advantage. It has now become valuable and he is in want of the money on account of his overwhelming losses. Could never get his order in Council given effect to by Gore. How government managed to secure the purchase of the lands he had acquired from judge Cochrane's executors. 135

63 VICTORIA, A. 1900

1830.  
April 26,  
War Office.

Sullivan to Hay. Desires to know the salary and emoluments and the date of appointment of Lieut. Neil McLean, on half pay of the 84th foot.

Page 38

May 3,  
London.

Application of J. G. Hopkirk for a letter of introduction to the Lieut. Governor of Upper Canada in favour of Laurie.

168

May 15,  
New York.

Buchanan to Murray. His gratitude for the letter to Talbot in relation to grant of land and for recommendation to Maitland. His regulations that he (Buchanan) must reside was an obstacle besides the fees were greater than the value of the land. He had sent thousands of emigrants into Canada, but never received an acre of land as a grant. He had saved the \$10 that he had been authorized to expend on each emigrant. The prosperity and loyalty of the emigrants he had selected. Is grieved to see the numbers of substantial yeomen that go to the United States, the idea that Canada is a land of eternal snow is frozen into their imaginations. They are astonished to hear so much about Canada "here" (New York) and to see so many resort to his office for information. They have been misled by demagogues who make them believe that their misfortunes are caused by government and are surprised at receiving kindness in a foreign land from a servant of the government. By such attention many have gone to Canada paying their own way and he preserves them from imposition. His office is daily busied with directing them to find occupation, &c., and his son James C. Buchanan has for twelve years been thus engaged. For these services he appeals for recognition having eight children in Canada. Hears there are agencies opening there connected with emigration and public lands for one of which his son is well adapted.

103

May 16,  
Castleton.

Enclosed. Way card showing the route from New York to York. 106  
Willis to Colonial Secretary. Notwithstanding the heavy expenses in his case he has never received any payment. Desires to know if he is to receive any remuneration and to whom he is to apply.

231

May 20,  
War Office.

Sullivan to Hay. Has the date of the appointment of McMillan to be registrar of Carleton county been yet communicated? Is the appointment in the gift of the Colonial government?

39

May 24,  
War Office.

Hardinge to Murray. Applies for any letters from Colborne and other Colonial governors respecting the employment of half-pay officers.

40

May 27,  
War Office.

Sullivan to Hay. In answer to Murray's opinion that McMillan's office of registrar does not preclude him from receipt of half-pay because the office is not only in the gift of the Colonial government but no salary is attached to it, the emoluments consisting only of fees from individuals, the view of the late secretary at war, concurred in by Hardinge is, if a civil office be a place of profit held under the Crown it is no matter whether the income arises from salary or fees. By the present arrangement, with the colonies which have no legislature, any surplus of Colonial funds belongs to the public as part of the ways and means for the expenditure of the empire, consequently any place of profit in such colony is not tenable with half-pay.

41

May 27,  
London.

Shaw to Murray. Encloses memorial from Crookshank (Crookshanks elsewhere) for a grant of land or, if refused, for a lease of it.

211

May 31,  
London.

J. B. Yates to the same. The difficulties in the way of accepting the £27,000 in payment of the one ninth part of the cost of the Welland Canal or the £50,000 to be lent on mortgage. The hostility to the project. Why the loan of £50,000 was accepted. Causes of the company being embarrassed.

256

June 18,  
York.

S. P. Jarvis to the same. Has received from Colborne copy of dispatch from him (Murray) in answer to memorial praying for the payment of fees on several hundred patents of land. The prayer of the memorial having been rejected argues that that has been done on the mistaken

## SESSIONAL PAPER No. 8c

1830.

- grounds that an amount paid to his father's estate was to cover the present claim. Page 184
- June 24, P. Robinson to Hay. Transmits account of timber cut on the waste lands of the Crown from 1st January to 31st December, 1828 and from 1st January to 31st December, 1829. Explains the cause of the deficiency of 1829 as compared with the revenue of 1828. 198
- York. *Enclosed.* The returns for 1828 and 1829. 203
- July 1, Yates to Hay. Asks if it would be proper again to call the attention of the Colonial Secretary or the Chancellor of the Exchequer to the subject of the petition of the Welland Canal Company. 264
- Cheltenham. Clark to Murray. Apologises for returning so quickly to the claims of the sufferers by the war of 1812. States the progress of the partial relief given and the good effects that would follow the settlement. 159
- July 12, Lack to Hay. The Lords of Trade concur in the reasoning as to the benefits of a reduction of duty on spirits imported from the United States but as it is contrary to policy to reduce the duty on spirits of foreign manufacture below that on spirits manufactured in the British West Indies a reduction should be made on the latter corresponding to that on the former. 3
- London. Hambley to Peel. Points out eligible situations in Upper Canada for settlers on Lake Simcoe, Lake Huron and Penetanguishene. Had acquired the knowledge of these when employed in the naval establishment on Lake Huron and offers his services should a person of his rank be sent. 169
- July 20, Stewart to Hay. The proprietors of the Welland Canal Company having given security for the repayment of the loan and payment of the interest, the Treasury consider it not unreasonable to release them from the obligation of the free transport of stores and troops stipulated when a grant of money was in contemplation. 34
- Jersey. Phillips to the same. Sends a letter from Hambley to be laid before Murray. 8
- July 22, Treasury. The same to the same. Sends pardon for Benjamin Ward as a further commutation of his sentence. 9
- July 26, Whitehall. Hambley to Murray. Applies to him respecting settlements on Lake Simcoe &c., finding that his letter of the 20th addressed to Peel had been sent to him. 171
- July 28, Whitehall. Sandwith to Hay. In reference to memorial for a grant of land now applies to him officially. Understands that Murray has thought his claims so worthy of consideration that he has placed his name on the list of persons to be employed as vacancies arise but the remoteness of the prospect, with the severity and embarrassment of his situation, emboldens him to apply for a grant of land in Upper Canada. 212
- July 31, Jersey. Small to Murray. Reiterates his request for the appointment of his son to the office now held by him as clerk of the Executive Council or that he be given the office of joint clerk. Encloses letter from the Marquis of Buckingham. 214
- August 7, London. *Enclosed.* Marquis of Buckingham to Colborne. 216
- August 24, York. Memorial of Small. 217
- August 26, London. Coutts & Co. to Murray. Asks for directions respecting a bill drawn for £772 which they presume is for the dividends due to the Six Nation Indians. 127
- September 1, Castleton. Willis to the Colonial Secretary. It is hoped by Lord Milton that there is no hostility against him at the Colonial office. He (Willis) to prevent the existence of such a feeling forebore entering into explanation of the erroneous statements except that he had pointed out that he had received none of the payments alleged to have been made him. Enters now into details of the expenditures none of which were incurred by him. Has reasons for expecting remuneration and a judicial appointment. 131

63 VICTORIA, A. 1900

- 1830.
- ment. The testimony to his honourable course by various persons and official departments. If he is to have no provision made for him by the Colonial Office, asks that the enclosed memorial and other documents may be placed in the lands of His Majesty. Page 232
- Enclosed.* Memorial to the King, stating his appointment, removal from office and cause and praying for compensation, employment and relief. 237
- September 14, Treasury. Stewart to Hay. The Lords of the Treasury concur with Murray that a donation of £1,000 may be given to erect a new church of St. James, Toronto for the military when there are provincial funds of that amount at His Majesty's disposal. 36
- September 15, Castleton. Willis to Murray. Desires to know what course is intended to be taken with respect to his letter and the memorial to the King. If no provision is contemplated at the Colonial office and it is not the proper channel to transmit the memorial to the King, asks that the proper channel be pointed out. 242
- September 15, Ordnance. Byham to Hay. Asks for information as to any directions Murray may have given respecting military reserve lands in Upper Canada. 25
- September 22, London. Hamilton to Murray. Sends copy of observations by Archdeacon Strachan on the subject of the projected college in Upper Canada. Will explain the cause of delay in transmission. 44
- Enclosed.* Resolutions of the Assembly of Upper Canada, on the subject of the charter of Kings College. 45
- Address of the Council on the same subject. 50
- Resolutions. 51
- Strachan to Hamilton. Respecting King's College and urging that no change be admitted till the present charter has been allowed a fair trial. 52
- Strachan to the Ecclesiastical Board, on the subject of King's College. 54
- September 24, Castleton. Willis to Murray. Repeats his inquiry as to the course it is proposed to pursue with regard to his letter and memorial. 243
- September 27, Castleton. The same to the same. Desires an explanation of the term. "His Majesty has issued no command." Does it mean that his memorial has been postponed or rejected? Has the King been shown the letter that accompanied the memorial? Are there additional charges brought forward against him, not officially made known to him? Asks to be informed and to be given an opportunity of explaining. 244
- Enclosed.* Memorial complaining of his not being paid his salary as an equity judge and of his being illegally removed from the King's Bench, &c. 246
- September 30, Extracts from testimonials in his favour. 249
- Memorial of James Roach. Prays for relief he having recruited for a lieutenancy for which he got no credit. His services and wounds. His age and state of health would indicate that any addition to his half pay cannot be long continued. 202, 204 to 206
- October 1, Dublin. Cradock to Murray. Understands he is entitled to land in Upper Canada. What certificates are required and how is he to apply? 128
- October 11, Castleton. Willis to the same. Desires to know what it is intended to do with his letter of the 27th September and the memorial enclosed. 250
- October 12, Admiralty. Barrow to Hay. With reference to the cultivation of hemp, the officers at Kingston were directed to advertise for tenders but no tenders were made for the supply of the same. 2
- October 14, Clonmell. Rice to Colonial Secretary. Has written several times to his son at Bytown, but the letters have not been delivered. Asks that the letter now sent be forwarded. 207
- October 17, Alnwick. D. W. Smith to Singleton. Sends memorial from Small to be presented to Murray. 218



ons and  
by the  
ements  
age 232  
removal  
ent and  
237  
Murray  
h of St.  
of that  
36  
d to be  
If no  
proper  
proper  
242  
Murray  
da. 25  
deacon  
n. Will  
44  
he sub-  
45  
50  
51  
that no  
a fair  
52  
College.  
54  
oposed  
243  
" His  
ial has  
or that  
ht for-  
be in-  
244  
ary as  
King's  
246  
249  
ted for  
s. His  
alf pay  
to 206  
Upper  
128  
with  
250  
e off-  
enders  
2  
son at  
letter  
207  
sented  
218

## SESSIONAL PAPER No. 80

1830. October 25, Castleton.	Villis to Murray. Desires to know when he may expect to receive communication from the Colonial Office in consequence of His Majesty's reference.	Page 251
October 26, London.	Hardinge to Murray. Letter from Archdeacon Singleton with memorial from the clerk of the Executive Council that he may be allowed to retire in favour of his son or that his son may be joined with him in the commission. Recommends that the case be given favourable consideration.	43
October 31, Henley.	Mayne to Murray. Transmits memorial from Small, clerk of the Executive Council, an old and faithful servant of government.	175
	<i>Enclosed.</i> Memorial from Small. Asks leave to retire in favour of his son or that his son may be joined in the commission as joint clerk of the Council.	176
November 5, Castleton.	Willis to Murray. Repeats the inquiry of the 25th September, respecting the reference from His Majesty.	252
November 6, London.	Downshire to the same. Has received papers from Sir Robert Bateson respecting a body of seavers who wish to settle in Upper Canada. Recommends their case.	132
November 22, Castleton.	Willis to Murray. Sends copy of letter from Sir Herbert Taylor with reference to letters from the Colonial department.	253
	<i>Enclosed.</i> Taylor to Willis. He should apply to the Colonial Office to which the memorial was referred.	254
December 6, Ordnance.	Byham to Hay. The danger of allowing the local authorities to dispose of military reserves. The precautions to be taken in selling or leasing such lands.	26
December 22, Bytown.	Memorial of Valentine Stanbuck stating the expense he had incurred in bringing the King and Queen of the Sandwich Islands with their suite to Britain with the object of obtaining commercial advantages for the country. His expenses had never been repaid and now he had come to settle in Canada and asked for a grant of land.	220
December 26, Douglas.	Stewart to Murray. Transmits letter from Canada and thanks him for the kind and enlightened interest he had shown in the Presbyterians there. Asks that the letter be brought under the notice of his successor.	223
	<i>Enclosed.</i> A. F. to——. Cautions against the proposals of Dr. Strachan and points out the danger arising from the system of dealing with clergy under the influence of Dr. Strachan and Maitland. The hostility of the people to the proposals of Dr. Strachan.	225
December 27, Castleton.	Willis to Goderich. Will rejoice if an early opportunity occurs to carry out his (Goderich's) intentions.	255
No date.	Backhouse to Hay. Transmits letter addressed by mistake to the Foreign Office.	5

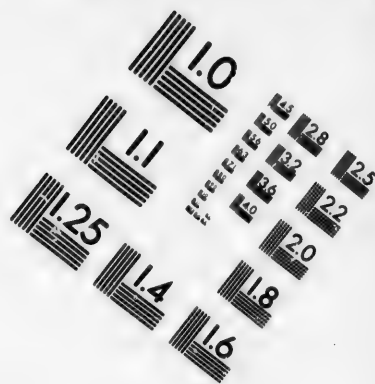
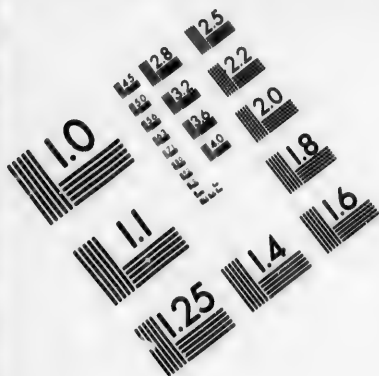
LIEUT. GOV. SIR J. COLBORNE, 1831.

## Q.—356.

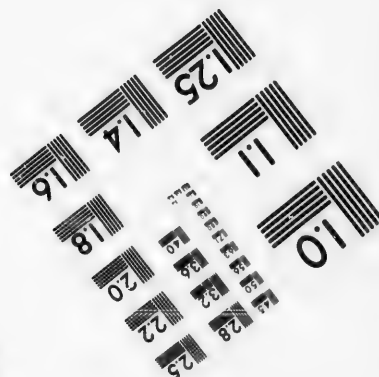
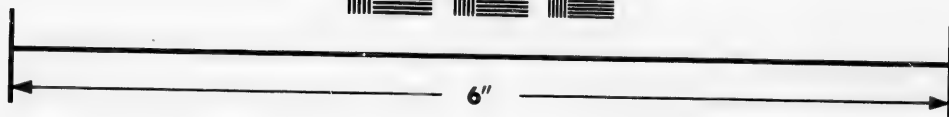
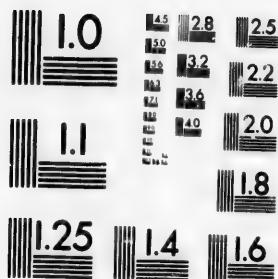
1831. January 17, York.	Colborne to Murray (No. 1). The legislature opened ; sends copy of his speech.	Page 1
	<i>Enclosed.</i> Copy of speech.	2
	Address from the legislative Council.	5
	The same from the legislative Assembly.	8
January 20, York.	Colborne to Hay. With reference to dispatch respecting Hooper, transmits letters from sheriff and clergymen resident near Niagara Falls.	106
	<i>Enclosed.</i> Leonard, (Sheriff) to Mudge. Can learn nothing of person inquired for.	12







# IMAGE EVALUATION TEST TARGET (MT-3)



Photographic  
Sciences  
Corporation

23 WEST MAIN STREET  
WEBSTER, N.Y. 14580  
(716) 872-4503

0  
16  
18  
20  
22  
25  
28  
32  
36  
40

01  
03  
05  
07

63 VICTORIA, A. 1900

1881.

- Leeming (Missionary) to Mudge. Can obtain no information of Hooper. Page 13
- January 21, Colborne to Murray (No. 2). Forwards a memorial from the inhabitants of London for assistance to complete the building of a church. 14  
York. *Enclosed. Memorial.* 15
- January 22, Petition from the magistrates and Grand Jury to the same effect. 18  
York. Colborne to Murray (No. 3). The trustees of the Six Nations have drawn for the dividends due on their stock. 22
- February 5, The same to Goderich (No. 4). Can American produce be legally conveyed through the Welland Canal and unloaded at Port Dalhousie? The law officers think that no foreign goods can pass, except for a free port. Asks that Port Dalhousie and the port at the southern entrance be declared free anchoring ports. 23  
York. *Enclosed. W. H. Merritt. An American vessel from Oswego passed through the Canal for Cleveland on Lake Erie. Desires to know the law on the subject of foreign produce passing through the Canal.* 24
- February 11, Dunn to Mudge. The plans of the Welland Canal Company for facilitating trade through the Canal. 26  
York. Opinion of Counsel by Boulton, Attorney General, respecting the passing of foreign produce through the Canal. 28
- March 5, Colborne to Goderich (No. 5). Sends copies of the Journals of the Legislative Council and Assembly. 31  
York. The same to Hay. The renewed application for the division of the diocese of Quebec. The benefit to the Church of England if the Bishop could give his whole time to Upper Canada. How it is proposed to meet the stipend. 33
- Enclosed. Statement of the sales of the clergy reserves for 1829 and 1830.* 35
- March 17, Colborne to Goderich (No. 6). The Legislature closed on the 16th; sends copy of his speech. 35  
York. *Enclosed. Speech.* 37
- March 18, Colborne to Goderich (No. 7). Sends address from the Legislative Council on the subject of the clergy reserves. 39  
York. *Enclosed. Address from the Legislative Council. Regret the efforts making to inculcate the opinion that it is an infringement of liberty to provide for the support of the Christian religion and argue at length on the propriety of such a provision being made.* 40
- March 21, Colborne to Goderich (No. 8). Has brought the subject of revenue before the Assembly, which objects to grant the amount proposed in his message, to the part of the Lieut. Governor's salary, which has always been defrayed from the casual revenue, and to pensions of all kinds. Decided that the contingencies must depend on an annual vote. They have voted permanent salaries for officers (specified). Had assented to the bill for this last purpose so as to secure the independence of the officials. Sends copies of his communications and of the bill. 47  
York. *Enclosed. Message to the Assembly. The King has given up all claim to the duties arising under 14 George 3, cap. 88. Hopes that this will be met by a reciprocal policy and that provision will be made for various officials (specified). The revenue ceded cannot be calculated at less than £11,500 sterling.* 49
- March 21, Estimate of the expense of the civil government. 51  
York. Copy of the Act. 53
- Colborne to Goderich (private and confidential). The exertion used to bring forward the civil list question so as to induce the province to receive it favourably. The arrangement of the terms left with the Assembly. Was aware the Assembly would make no provision for pensions, believing those for the judges too high and in some cases unnecessary. No other charge for the support of the civil government will probably be rejected

formation of  
Page 13  
in the inha-  
a church. 14  
15  
e effect. 18  
ations have  
22  
legally con-  
cousie? The  
a free port.  
entrance be  
23  
vego passed  
o know the  
anal. 24  
company for  
26  
pecting the  
28  
nals of the  
31  
ision of the  
the Bishop  
sed to meet  
33  
or 1829 and  
35  
the 16th;  
35  
37  
Legislative  
39  
the efforts  
f liberty to  
length on  
40  
of revenue  
osed in his  
as always  
all kinds.  
ote. They  
assented to  
nce of the  
47  
en up all  
s that this  
made for  
culated at  
49  
51  
53  
on used to  
to receive  
Assembly.  
believing  
No other  
e rejected

## SESSIONAL PAPER No. 8c

1831.

March 23,  
York.March 24,  
York.March 24,  
York.March 24  
Brockville.March 25,  
York.March 26,  
York.March 28,  
York.March 30,  
York.

than the salary of the Surveyor General. Sends copy of address of the Assembly on the civil list bill being presented. Page 58

*Enclosed.* Address of the Assembly on presenting the civil list bill. 61  
Colborne to Goderich (No. 9). Transmits joint address of condolence from the Legislative Council and Assembly. 63

*Enclosed.* Address to the King on the death of the late King. 64  
Colborne to Goderich (No. 10). Transmits joint address from the Legislative Council and Assembly for the protection required to enable the timber trade of British North America to be continued. 67

*Enclosed.* Address. 69  
Colborne to Goderich (No. 11). Sends document respecting the conduct of Donald Cameron of Thorah who is going to England to lay his case before His Lordship. 72

*Enclosed.* Report in detail of the proceedings of Donald Cameron in respect to the settlers he brought and the frequent extensions of time granted to him to fulfil the conditions of the land grants. 73

Memorial of the Presbyterian ministers of the united Presbytery of Upper Canada, praying that they may have the selection of a professor of Divinity in King's College, to sit in the Council and to be on the same footing as other professors. 132

Colborne to Hay. Considerations in respect to the vote for the salaries to be expended for the civil government; the difficulties of the members consequent on the unpopularity which may attend the measure. The Methodists represented by Ryerson and Jones intend to petition that land for the Indians be placed under the control of the Methodist missionaries. If these lands were within reach of any sect or of the neighbours of the Indians the revenue set apart for the different tribes would soon disappear. Jones is acting altogether under the direction of the Methodist conference. 85

*Enclosed.* Petition to abolish the enjoyment by the Church of England of the Clergy reserves, to do away with all political distinctions on account of religious faith, to remove all ministers of religion from all seats of political power; to grant to the clergy of all denominations of Christians the enjoyment of equal rights and privileges and as ministers of the gospel particularly the right of solemnising matrimony, to modify the charter of King's college so as to exclude all sectarian tests and to appropriate the clergy reserves to general education and internal improvements. 91

Extract from letter from Anderson, Indian superintendent at Matchedash, that George Ryerson and Peter Jones had urged the Indians to sign petitions to place the means of civilising them in the hands of the Methodists but the Indians declined. 103

Colborne to Hay. Arrangements that should be made for settling emigrants, by which the sum for this purpose would provide for many poor families. The lands of the Canada company continue to be disposed of advantageously, so that the proprietors should be able to pay the annual instalments. Represents the case of Cameron who alleged that lands were settled which were found vacant. Understands that Mackenzie, editor of the Colonial Advocate, is to join the persons going to England with the Clergy reserve petition. He might much embarrass the local government were his worthless character not well known. 104

Same to the same. In respect to the grant from the Canada Company towards the expense of the building for King's College £1,000 per annum has been regularly paid to the College Council to December last. 107

Same to Goderich (No. 12). Sends copy of school report from Dr. Harris, principal of the college, forwarded by the board of education. The condition of the college; the necessity for the number of masters

1831.

63 VICTORIA, A. 1500

employed. Asks for allowance to grant 60,000 acres as an endowment. The propriety of a modification in the charter. Page 108

Elevation of Upper Canada college, with the dwellings of the masters. 113a

Plan of the same. 113b

Harris to Colborne. Cannot say more on the necessity of so many teachers, than to enclose the scheme. As the masters are constantly employed, none could be wanted. 114

Memorandum on the employment of the masters as shown in the scheme. 115

Scheme, showing the employment of the masters each day of the week, with the work on four Fridays. 116

Report of the Board of Education. 117

Report of the principal of the College. 122

March 31,  
York.

Colborne to Hay. Has asked that the name Upper Canada College be allowed to remain attached to the York School. The title of college much increases its respectability. The clergy reserve question is the grievance of the season. The Presbyterians who first raised the clamour now regret that the question has been so warmly taken up by the Methodists, who with the Ryersons at their head are the most formidable enemies of the Established Church. Wonders that any respectable member of the House of Commons would correspond with the demagogue to whom he alluded in his letter of the 26th March. He is disaffected and unprincipled and boasts that the falsehoods he circulates answers his purpose and that his paper will produce a revolution in three years. 133

March 31,  
York.

Same to Goderich (No. 13). In reference to the arrangements for transferring the control of the Indian department to the Lieut. Governor, points out that whilst the cost of presents for each Indian in Upper Canada is 18s. 9<sup>3</sup>d., the sum allowed as calculated at Quebec is only 15s. currency. If not rectified this will cause great confusion. Asks that when the returns of the presents are approved of the accounts of the Indian department may be credited with the exact amount. 135

Enclosed. Colborne to Aylmer. Enters into particulars of the presents, the cost of the civilising efforts and the prospect of obtaining a rapid improvement among the tribes. How the presents might be ordered. 137

Estimate of the total annual expense. 141

Statement of prices of equipment for Indians in Upper Canada. 142

Schedule of the prices of articles for Indians. 143

March 31,  
York.

Colborne to Hay. Has impressed on the minds of the Indians that it is to the King alone they must look for protection and that their temporal affairs will be regulated by the officers appointed by him. There is an apparent desire on the part of the Episcopal Methodists to obtain control of the lands of the Indians and get into their hands the means intended for their civilization. In case any application should be made by the Ryersons to the Secretary of State sends copy of an answer to a memorial from George Ryerson. The superintendents have received instructions not to interfere with the schools established by the Methodist Missionaries. 144

Enclosed. Governor's Secretary to George Ryerson and F. Metcalfe. Desires to remove a misconception created by some of the Methodists respecting the organisation of Indian schools. Enters at considerable length into the subject. Sends extract from a report which shows of how little benefit were Currie's endeavours. How the Indians are taking advantage of their opportunities. 145

April 5.  
York.

Colborne to Goderich (No. 14). Encloses petitions from the Bathurst district to the King and Parliament praying that no alteration may take



lowment.  
Page 108  
s of the  
113a  
113b  
so many  
stantly  
114  
n in the  
115  
ne week,  
116  
117  
122  
College  
college  
n is the  
lamour  
by the  
formid-  
ectable  
agogue  
affected  
swers  
three  
133  
nts for  
rrior,  
Upper  
ly 15a.  
s that  
of the  
135  
esents,  
rapid  
dered.  
137  
141  
142  
143  
hat it  
tem-  
There  
tain  
means  
made  
to a  
eived  
odist  
144  
calfe.  
odists  
rable  
s of  
king  
145  
urst  
take

## SESSIONAL PAPER No. 8c

1831.

place in the timber duties which may prove injurious to the commerce of the country. The signers are chiefly engaged in the timber trade.

*Enclosed.* Petitions of the inhabitants of Bathurst district, praying that no alteration may be made in the scale of duties on timber and deals. Page 156

April 6,  
York.

Colborne to Goderich (No. 15). Sends address from the Assembly praying that the duties on timber cut on the waste lands of the Crown may not be demanded in the depressed state of the timber trade. Represents that the duties amount to £4,000 per annum and that if the duty be remitted on Crown land timber the sales of that cut on private property would be less profitable. 158 164

April 9,  
York.

*Enclosed.* Address. 165  
Colborne to Goderich (No. 16). Forwards memorial respecting the inconvenience from the want of a copper coinage. If this is not introduced by Government to the extent of £50,000 annually a circulating medium, as mentioned by Leslie, will be introduced. 166

*Enclosed.* Memorial of Leslie & Sons. Owing to the want of small coin they have imported tokens as a convenience to their own business, but the expectation of Government authorizing such a coinage has prevented them from increasing the number of these tokens, which could have been done at a profit. Ask to be informed whether a copper coinage will probably be issued soon and to regard favourably the efforts of memorialists to remedy the inconvenience. 168

April 11,  
York.

Colborne to Hay. In his letter of 30th March stated that the Royal Grammar school opened in January, 1829, instead of 1830, that the salary of the vice president was fixed at £450 instead of £400, and the teacher of the preparatory school was a Methodist. Finds that he has left that body and become a member of the Established Church. 170

April 12,  
York.

The same to Goderich (No. 17). Sends bills passed last session and one reserved, with Attorney General's objections. 173

*Enclosed.* Attorney General to Mudge. The inconvenience arising from the want of a ready method of obtaining the partition of lands held in joint tenancy, but the provisions of the present bill are so imperfect that he cannot advise that it be assented to. Reasons for his objections. 174

April 17,  
York.

Colborne to Goderich (No. 18). Forwards petition from Lanark settlers praying for release from the debt due to government, the lands on which they were first settled being of bad quality, which they were obliged to leave. Understands that the land was of a very bad description and the settlers had certainly to contend with great difficulties which few settlers had to encounter in other townships. 175

April 26,  
York.

*Enclosed.* Petition. 180

Colborne to Goderich (No. 19). The duty on the tobacco for Indian presents amounts to £2,627.16.10. Suggests that the duty be taken off and that in future no tobacco be sent, but that the commissary general be authorised to purchase in Upper Canada. 181

*Enclosed.* Foote to Routh. Colborne has inquired as to the place of purchase and cost of tobacco for the Indians. 188

April 27,  
York.

Account of the cost of tobacco. 190  
Statement of the duty on tobacco. 191

Colborne to Goderich (No. 20). Sends memorial from inhabitants of Niagara respecting the sum awarded to the sufferers by the late war. It is not probable that the legislature will be able for two or three years to provide for the payment of the portion the province has been called on to defray. 192

63 VICTORIA, A. 1900

1831.

May 16,  
York.

*Enclosed.* Memorial from inhabitants of Upper Canada for payment so long deferred of their losses sustained by the late war. Page 194

Colborne to Goderich (No. 21). Has received report on the system of disposing of Crown lands and of the best means of assisting poor emigrants. Waste lands of the Crown have generally been opened and surveyed as recommended by Richards but his plan of employing poor emigrants is too speculative. Many of them may obtain employment on canals or on the farms of old settlers, but if a large body arrive, work will have to be found for them by government and as the object of government is to improve the province rapidly and to make settlers escape the misery to which they are exposed whilst clearing their land without means to provide for their families, proposes that each head of a family should be advanced £3 for every acre cleared during the first year; be sold provisions at prime cost and to be employed in making a road near his location. The advantages of the plan proposed. Is persuaded that the industrious settler would be anxious to obtain his deed and pay his debt. A long line of townships might be opened up, about 30,000 acres sold and the rest reserved as they will increase in value. There are no means at the disposal of the provincial government to settle emigrants as proposed by Richards. Has taken preparatory steps for receiving emigrants. No time should be lost in purchasing from the Chippawas on Lake Huron.

*Enclosed.* Regulations for receiving and settling emigrants. 200

Directions to superintendents of emigration and the preparations they are to make. 205

June 3,  
York.

Colborne to Hay (private). Introduces Crooks who can give correct information respecting the colony. 206

June 6,  
York.

Same to Goderich (No. 22). Transmits applications from two officers who have been appointed to superintend the settlement of emigrants. As they have left their own farms for this duty recommends that they may be allowed their half pay. 207

*Enclosed.* Rubidge to Mudge. Having been selected as government emigration agent at Peterborough, asks that his half pay be continued otherwise he must suffer great loss. 208

June 7,  
York.

O'Brien to Mudge. A similar application. 209

June 25,  
York.

Colborne to Goderich (No. 23). Transmits copies of Acts passed last session. 211

The same to Hay. Introduces Reid who can give information respecting the prospects of emigrants. He and his brother-in-law, Hon. Alex. Stewart, now find their property surrounded by a prosperous population. 220

June 25,  
York.

Same to Goderich (No. 25). Transmits petition from the Presbyterian Ministers of Upper Canada in communion with the Church of Scotland respecting the clergy reserves. 212

*Enclosed.* Address, opposing the statements of the Bishop and clergy of the diocese of Quebec and to solicit attention to their claims. The document is of some length. 213

June 27,  
York.

Colborne to Goderich (No. 26). Has directed the Commissioner of Crown Lands to remit the amount collected of the clergy reserves. Sends communication from him; he has paid into the Military Chest £8,000 currency, the first sum remitted in accordance with Imperial Act. 221

*Enclosed.* Robinson to Mudge. Has paid into the Military Chest £8,000 currency on account of clergy reserves. 223

Receipt of Foote, Assistant Commissary General for \$32,000. 225

June 28,  
York.

Colborne to Goderich (No. 27). Has instructed Robinson respecting the manner of investing the public funds. He is in future to remit half yearly all sums accruing from the clergy reserves. 226

payment  
Page 194  
the system  
existing poor  
opened and  
paying poor  
employment  
rive, work  
a object of  
settlers  
their land  
ch head of  
g the first  
making a  
. Is per-  
n his deed  
up, about  
e in value.  
nment to  
tory steps  
sing from  
200  
204  
parations  
205  
ve correct  
206  
two offi-  
migrants.  
that they  
207  
vernment  
continued  
208  
209  
ts passed  
211  
n respect-  
on, Alex.  
s popula-  
220  
o Presby-  
Church of  
212  
and clergy  
ms. The  
213  
sioner of  
reserves.  
ry Chest  
Imperial  
221  
ry Chest  
223  
225  
pecting  
omit half  
226

## SESSIONAL PAPER No. 8c

1831.  
June 30,  
York.

Colborne to Goderich (No 28). Sends report from the president of the Bank of Upper Canada respecting the banking establishment in Upper Canada. Page 228

Enclosed. Report in respect to the Military Chests in custody of the Commissariat officers and the probable benefit the government would derive from transferring them to banking institutions. The report is divided into different heads. 230

LIEUT. GOV. SIR JOHN COLBORNE, 1831.

(Part 1 is paged from 1 to 149, part 2 from 150 to 350).

## Q. 357—1-2.

1826.  
September 4,  
Downing  
Street.

1831.  
June 20,  
Queenston.

July 12,  
York.

July 20,  
York.

July 21,  
York.

July 23,  
York.

Bathurst to Maitland. Enclosed in Colborne to Goderich, 20th July, 1831.

George J. Ryerse to the *Guardian*. Enclosed in Colborne to Goderich 5th December, 1831.

Report of the Executive Council on Cameron's complaint. Enclosed in Colborne to Goderich, 18th November, 1831.

Colborne to Goderich (No. 29). Reports the death of Small, late clerk of the Executive Council. Sends copy of letter from his son stating the event and asking for favourable consideration for the case of the widow. Recommends John Beikie as successor to Small. Page 1

Enclosed. James E. Small to Colborne. Reports the death of his father and recommends to favourable consideration the case of the widow. 2

Bathurst to Maitland. Beikie may be appointed assistant to Small, with the understanding that he is to succeed to the office. 3

Colborne to Goderich (No. 30). Has sanctioned the arrangement to transfer the Kingston Mill reserve in fee simple to the navy board. 5

(No. 31 is merely a summary of the contents of a letter dated 22nd July). 7

Colborne to Goderich (confidential). Owing to the population being extended into every county it is scarcely practicable to form a respectable militia, and most of those liable to serve are engaged in laborious agricultural pursuits and cannot assemble without serious loss. The statutes under which they are called cannot be expected to be revised, so that improvements must be made under the present law; he has dispensed with the attendance of persons over 40 and consulted the convenience of corps called out. The militia between 18 and 40, numbered in June 24,000 of whom 4,000 could be easily trained and made disposable. The occurrence of a riot might lead to much embarrassment if there were no means of collecting quickly a force to support the civil power; quotes the occurrence at Fort Erie as a proof. Has suggested to the Colonels commanding militia corps, the expediency of forming one company in each battalion of men who could be drilled and assembled at short notice. The propriety of having arms and accoutrements that would be attractive. 8

Enclosed. Investigation respecting the militia in questions and answers. 11

Statement of the force of militia in Upper Canada. 17

Second return. Force of Cavalry. 18

General order to form two battalions of each regiment. 20

General order. The attendance of reserve battalion to be dispensed with. 22

63 VICTORIA, A. 1900

1831.	Circular memorandum to officers commanding corps.	* Page 23
	Return of arms and accoutrements distributed during the year.	24
	Return of arms and accoutrements requisitioned from Kingston.	25
	Issues from the Ordnance stores from 1816 to 1824.	27
	Return of arms and accoutrements received at Kingston.	29
	Kerby to Mudge. Sends Helmer's statement respecting the riot at Fort Erie.	30
July 26, York.	Deposition by Helmer.	31
	Colborne to Goderich (No. 32). Cannot send returns of the arrivals of emigrants from 1790 owing to the extended line on which emigrants have landed, but he has ordered returns of the annual increase of settlers in each district.	33
August 16, York.	Same to the same (No. 33). Sends copy of Mackenzie's memorial for land and of minute of council giving reasons for refusing the application of McRay sent by Mackenzie.	35
	<i>Enclosed.</i> Mackenzie to McMahon, sends copy of petition for land. The petition has been sent to the Under Secretary of State for the Colonies.	36
	Petition of John McRay for land.	37
	Minute of Council, that McRay cannot be granted land, having produced no proofs of his statement. Further the council is not authorized to make any grants to officers of fencible regiments.	38
	McMahon to Mackenzie. McRay's memorial received and laid before the Lieut. Governor.	40
August 25, York.	Colborne to Goderich (No. 34). Sends observations of the Executive Council and magistrates of York on the addresses and petitions of some of the inhabitants of townships in the Home district. The petitions have been prepared and circulated by an editor in York and copies are to be forwarded to His Majesty's Government.	41
	<i>Enclosed.</i> Address of the Executive Council to Colborne, stating the result of the examination of petitions.	43
	Observations on the measures suggested to His Majesty in various petitions purporting to be from inhabitants of the Home district.	47
	Fitzgibbon to McMahon. Explains the proceedings in connection with the market square at York.	56
	Report of the town meeting at York.	59
	List of documents forwarded to the Lieut. Governor, in compliance with dispatch published in the official Gazette.	74
	Mackenzie to Colborne. Sends documents and opposes the expenditure of money on the market square of York.	75
	Minutes of the Council, &c., that the observations of the magistrates be transmitted with those of the Council.	78
August 27, York.	Colborne to Goderich (No. 35). McMillan has been appointed to collect the sums due by the settlers at Lanark. The correspondence with Marshall and the statement by McMillan will give the information required.	79
September 5, York.	The same to the same (No. 36). Sends details of the method of placing poor immigrants and of the situations recommended, references being made to the plan.	80
	<i>Enclosed.</i> Bethune to Billings. Objects to the commuted pensioners settled in the district being paid in money which they would at once spend, leaving their families in distress. They should be paid in provisions.	86
September 16, York.	Map of Upper Canada showing the surveyed and unsurveyed lands.	87a
	Colborne to Hay. Has given order to the Receiver General to remit a bill in favour of Baillie for the salary and emoluments of Hurd, Surveyor General. Recommends that Chewitt's application may be favourably considered.	88

## SESSIONAL PAPER No. 8c

1831.

- Enclosed.* Hurd obtained an advance from Baillie on his making over his emoluments in Canada. Page 89
- Chewitt to McMahon. Prays that he may receive the amount he is entitled to since the appointment of Hurd. 90
- September 17, Chief Justice Robinson to Civil Secretary. *Enclosed* in Colborne to Goderich, 18th November, 1831. 90
- York. Colborne to Goderich (No. 37). Reports the steps taken to have district schools established; the sales of land for this purpose and for the endowment of a University. Sends report, letter and abstract, which will afford information on the subject. 92
- October 25, *Enclosed.* Schedule of documents. 96
- York. Report of the Executive Council on schools and school lands. 97
- Report of Strachan, Archdeacon of York, on the state of schools and school lands, as required by Goderich, Colonial Secretary. 105
- General abstract of sales of land and abstracts of Treasurer's and other accounts. 110a to 110i
- Observations by the bursar of King's College on the rents accruing from the leased lands of the University. 111
- Return of the establishment for the education of youth in Upper Canada supported by funds arising from the University or school lands. 114
- October 27, Colborne to Hay. The documents sent afford full information respecting school lands. In relation to uniting the University and Royal grammar school that might have been done at first but now much caution would be required. Is persuaded, however, that both institutions should draw their funds from the same endowment till a fixed revenue is settled for the grammar school. Suggests that two exhibitions be founded for the best scholars in the Royal grammar school and two for the district schools of £40 for the first and £30 for the second. The practice of withdrawing scholars at too early an age renders this desirable. The balance of the £10,000 might establish a respectable school in the township or town where it is immediately required. Several pupils in the sixth form of the Royal grammar school will be fit for the university next year. Would it not give encouragement if scholarships were established for boys from any school in the province? If the charter is modified of the Royal grammar school, the powers of the president of the University and the principal of the Upper Canada College should be so defined that there may be no interference with one another. It is supposed that 30,000 emigrants have been absorbed since the opening of navigation. Will shortly be able to send information. How pensioners could be properly settled. 115
- November 8, Table of the number of labourers, &c., it is probable might find employment in the eastern district during 1832. 192
- Cornwall. Table of the usual market prices in the eastern district for 1831. 193
- Answers as to labourers required, prices, &c., in various districts. 194 to 217
- November 15, Colborne to Goderich (No. 38). Refers to letter respecting the dangerous condition of the buildings in which the important documents and records of the province are lodged and sends plans and elevations for public offices for which he asks authority to expend £6,700 for building and £300 for preparing the ground, the balance of £9,000 to be paid from the duties collected under the Act of 14 George 3. The removal of maps, papers and records for safety was indispensable. The concentration of the land offices will be a convenient arrangement for the province. 120
- York. *Enclosed.* Estimate by Ewart and Parke of the cost of public buildings. 122

63 VICTORIA, A. 1900

1831.  
November 18, York. Colborne to Goderich (No. 39). Could not until lately obtain information respecting Cameron's petition. The report of the Executive Council forwarded on the 24th March last renders further observations unnecessary. Page 123  
(For report see Q. 356, p. 73.)  
*Enclosed.* Additional report of the Executive Council on Cameron's complaint, dated 12th July. 124  
Chief Justice Robinson to the Civil secretary. Respecting the complaint of Donald Cameron. 127
- November 19, York. Colborne to Goderich (No. 40). Transmits journals of Assembly for last session. 129
- November 24, York. The same to the same (No. 41). Has received dispatch asking for information as to how many labourers and mechanics might probably find employment next year, the price of provisions and rate of wages. Intelligent settlers believe that 3,000 labourers and 400 mechanics could find employment next year in each district, but from the difficulty of dispersing emigrants and other causes is persuaded that large numbers arriving at once could not depend on finding employment. Prospects of emigration and experience of those who had already arrived and had to be assisted to prevent the trial of relieving parishes from proving a failure. The rapid transformation of labourers into land holders. How a portion of this year's emigrants are employed and the best method of settling them. 130  
*Enclosed.* Suggestions by Rubidge of the proper manner to provide for and settle emigrants. 135  
Report by Bethune on the subject of emigration. 144  
Report in detail by Ruttan. 150  
Report by Reade. 164  
Report by Dunlop. 170  
Summary of locations in the Newcastle district from 23rd May to 9th November. 174  
Abstract report of the settlement of Oro in the Home district. 175
- November 25, York. Colborne to Goderich (No. 42). The new regulations for granting lands being liable to no serious objections he has given directions to carry them into execution. How indigent settlers should be allowed to purchase lands. 176
- November 25, York. The same to Hay. Has sent reports and returns as to the means of the province of giving employment to emigrants. These reports deserve the attention of the commissioners. Many of the emigrants have brought money either deposited in bank or invested in land. Every exertion should be made to have Upper Canada a really British colony instead of allowing it to fall into the hands of foreigners. The number of settlers from the United States whose influence is not counteracted by importations from Britain will be found very inconvenient. The assistance given to destitute settlers has produced much benefit to the country. 178
- December 1, York. The same to Goderich (No. 43). Opened the provincial legislature on the 17th November; sends his speech and addresses in reply. 181  
*Enclosed.* Speech. 182  
Address of the Legislative Council. 185  
Address of the Legislative Assembly. 188
- December 5, York. Colborne to Goderich (No. 44). Forwards address from the Methodist Episcopal Church on the subject of the lands set apart for the support of a Protestant clergy. 218  
*Enclosed.* Address. Stating their case at great length. 219  
Petition of the Bishop and clergy of the diocese of Quebec on the subject of the clergy reserves. 236



## SESSIONAL PAPER No. 8c

1831.

George Ryerson, Baptist preacher, contradicts the statement in the petition of the Bishop and clergy of the diocese of Quebec, that it is only the Methodists who oppose the clergy reserves. Page 245

Report of the select committee on the petition of Donald Bothune and others to confine the exercise of the functions of a preacher &c., to British subjects. Had examined witnesses who give evidence that the influence exercised by foreign religious bodies was less than supposed and that any complaint on that score if any reason exists, will shortly be removed.

Egerton Ryerson to the chairman. Long and minute statement of the position of the Methodist Church. 247

Table of Methodist itinerant ministers in Upper Canada. 250

List of Baptist Ministers in Upper Canada. 270

James Harris to chairman. 273

List of Presbyterian Ministers. 275

December 7,  
York.

Colborne to Hay. The establishment of a second university would

create rather than allay disputes. The clergy of the Church of Scotland have their opponents in their separatists and Episcopal Methodists have to contend with the Wesleyans. They are all unfriendly to each other. Recommends that the charter of King's College be surrendered and a new one granted on the most liberal terms. The endowment of King's College is sufficient to provide for the Minor College and for the instructions of sectarians. The Episcopalians will naturally hold their ground and be the influential persons in the university. If the charter be liberal and sectarians appointed to the council all pretense for clamour will be taken away. The balance to be used for improving district and township schools. A well organised system protected by government will greatly check the progress of demagogues who are trying the effect of township meetings. The provincial Assembly will not check emigration but no pecuniary aid can be expected. 277

December 10,  
York.

The same to Goderich (No. 45). Is persuaded that no measures will be taken by the legislature to check emigration, whatever inconvenience may be felt from the influx, but no pecuniary help will be given to paupers. The principal part of the residents being land owners they will see with satisfaction any number of emigrants who can work. The relief that would be afforded by finding employment for emigrants for a time. 279

December 12,  
York.

The same to the same (No. 46). Circular received. Sends information on (1) Civil establishment which gives an account of different officials. (2) Revenues and expenditure. (3) Military establishment. (4) Judicial establishment. (5) Court of appeal. (6) Ecclesiastical establishment. (7) Education. (8) Commerce. (9) Agriculture. (10) Grants of land. (11) Public works. (12) Population. 282

December 12,  
York.

The same to Hay (private). The colonists are so desirous that emigration should continue that they will take the bad with the good. His exertions to form societies to direct the emigrants for employment. Has suggested raising a sum to locate destitute emigrants. The Canada company is prospering, wishes they had purchased the clergy reserves. Shows the expediency of granting a charter to King's College on the most liberal terms. A second college for sectarians would produce endless disputes and jealousies. Repeats recommendation respecting schools. Expects that Mackenzie will be expelled from the Assembly for a libel on it. 295

December 13,  
York.

The same to Goderich (No. 47). Explains the cause of the expenditure for repairs on Government House. For some years the sum of £200 per annum was included in the estimates for repairs to Government House, but since 1826 nothing has been voted. 297

1831.  
December 14,  
York.

63 VICTORIA, A. 1900

Colborne to Goderich (No. 48). Has received dispatch with the Bishop of Quebec's application for salaries to ministers out of the revenue from leases of the clergy reserves. Sends report from the secretary of the clergy corporation stating the probable future revenue with a statement of the Receiver General. Transmits letter from the Bishop asking that Mr. Elliot may be paid £75 per annum; the salary of £250 a year to Dr. Strachan has been discontinued, the town lots now producing a revenue.

Page 99

*Enclosed.* Markland to McMahon. The future income of unexpired leases of the clergy reserves will be £2,000 per annum. There are considerable sums due for leases, a portion of which will probably be recovered. The sums received are paid to the Receiver General so that he can give no account of the expenditure beyond that for collection.

Statement of amount received from leases of clergy reserves. 301

Statement of the expenditure of money from the clergy reserves. 305

Anglican Bishop of Quebec to Colborne. Is obliged for communicating letter from Goderich respecting salaries to Ministers. Requests that he would recommend the payment of £75 to Rev. Mr. Elliot. 312

December 15,  
York.

Colborne to Hay (No. 49). Reports the position of the Indians in Upper Canada respecting land. As certain families are able to manage their own property lots might be given them by deed but in the meantime government should continue to act as their guardian. The application for money instead of goods by Aisance's tribe. The preachers of the Episcopal Methodists have always received protection from the superintendents of Indian affairs. 313

December 17,  
York.

The same to Goderich (No. 50). Explains the nature of the claim of Hiram Spofford and sends the report of the Executive Council on the same and the ejection of Weekes from his lot arising from a mistake in the surveys, the lot being taken possession of by Murphy, on which Spofford advanced money, the land regarded as security, being now transferred to Weekes. 316

*Enclosed.* Petition from Spofford respecting the lot held by Murphy. 319

Spofford sends statement relating to lot 18 in the 5th concession of Yonge on which he held a mortgage now rendered worthless by the Act of the legislature vesting the property in Weekes. 320

Opinion of the Executive Council that the claim should be laid before his Majesty's government. 323

Petition of Spofford that His Excellency will not assent to the bill vesting lot 18 on the 5th concession of Yonge in Weekes he having advanced money to Murphy on mortgage. 324

Report of the Executive Council on the petition. The bill having passed the legislature application should be made to that body. 328

Report of the Executive Council on the claim of Weekes on lot 18 of the 5th Concession of Yonge. 329

Chewitt to Mudge Transmits field notes and plans by Willmot in reference to the claim by Weekes. 332

Report by Willmot of the resurvey of concession 5 of Yonge by the error of numbering which Weekes was ejected from his own property. 333

Report of Reuben Sherwood of his sickness which obliged him to employ another surveyor. How the error arose at concession 5 of Yonge. 335

with the  
t of the  
he secre-  
e with a  
e Bishop  
of £250  
y produc-  
Page 99  
expired  
are con-  
ably be  
l so that  
ction.

301  
302  
ves, 305  
nitating  
that he  
312  
lians in  
manage  
e mean-  
e appli-  
chers of  
om the  
313  
claim of  
on the  
take in  
which  
g now  
316  
urphy.  
319  
sion of  
the Act  
320  
before  
323  
he bill  
ng ad-  
324  
having  
328  
18 of  
329  
not in  
332  
y the  
erty.  
333  
im to  
5 of  
335

## PUBLIC OFFICES AND MISCELLANEOUS, 1831.

## Q.—358—1-2-3.

1828.  
October 20, York. (Part 1 is paged from 1 to page 283, part 2 from 284 to page 523, part 3 from page 524 to page 688.)  
Dunn to Lieut. Governor.
- November 3, York. Maitland to Harrison.
1829.  
May 19, Treasury. Copy of Treasury minute. This and the two preceding documents enclosed in Stewart to Hay, 3rd September, 1831.  
November 13, Thorah. Enclosed. Petition of Donald Cameron, 12th March, 1831.
1830.  
March 10, Treasury. Stewart to Colborne.
- October 21, York. Report by Inspector General.
- October 23, York. Colborne to Stewart. This and the two preceding documents enclosed in Stewart to Hay, 11th March, 1831.  
November 8, Kingston. Barrie to ——. Enclosed in Navy Board to Howick, 5th January, 1831.
- November 17, York. Mudge to Cameron. Enclosed in Cameron to Goderich, 14th December, 1831.
- December 10, York. Proceedings at a public meeting at York respecting the clergy reserves and King's College. Page 561  
Instructions for guidance of those entrusted with copies of petitions. 566
1831.  
January 3, Hallowell. Richards to the Colonial Secretary. As Murray's answer to the petition is that he has no funds with which to comply with the request asks that the petition be laid before the King. 504  
Enclosed. Memorial from Richards, states his services during and since the Revolutionary War and prays for such relief as may be considered meet. 505  
Certificate in favour of Owen Richards. 508  
Other papers. 509 to 511
- January 5, Navy Office. Navy Board to Howick. Commodore Barrie purchased lease of the reserved lot advertised to in the letter of 2nd January, 1829, and now wishes the land transferred to the commissioners of the Navy. Asks that he (Howick) bring it before Goderich. 7  
Enclosed. Barrie to ——. Has written to Colborne applying for land in fee simple of which he had purchased the lease, to be made over to the Navy Board. 8
- January 10, London. Clark to Goderich. He will probably be unable to return to Canada till April or May next, in which case his absence will exceed two years causing the loss of his seat in the Council if absent without leave for that time. Asks for leave of absence till January, 1832. 111
- January 10, London. The same to ——. Asks that the letter from Goderich of the same date be delivered. If his request is complied with he can forward the communication to Colborne by way of New York. 112
- January 12, Treasury. Stewart to Hay. Transmits copies of letter from Galt and of petition he proposes to present to Parliament and asks for the opinion of Goderich on the same. 17  
Enclosed. Galt to Ellice. As the Treasury has not thought him entitled to remuneration for effecting the sale of the Crown reserves sends copy of proposed petition to the House of Commons. 18

63 VICTORIA, A. 1900

1831.

Petition of Galt to the House of Commons stating the nature of his claim for disposing of the Crown reserves and praying for a select committee to investigate his case. Page 19

Horton to Galt. Bathurst does not know how to write him an official letter. If he is the promoter and accomplisher of the scheme of the Canada Company it is that company who ought to express thanks to him for his services. 21

Memorandum of an interview with Horton on the subject of the Canada Company. 22

January 12, Treasury. Stewart to Baillie. On what grounds does Col. Thomas Talbot get £200 a year? Is it for life? 23

January 13, Uigg. Rev. W. Fraser to Goderich. Has been a missionary in the Highlands of Scotland for some years. His feelings of compassion for many of his countrymen in Upper Canada remote from preachers, or who could not in many cases understand their language leaving them in mental darkness and spiritual death. Could privileges be granted to a dissenting minister or 100 or 200 acres of bush land be given gratis? If so will be happy to hear of it. 286

January 16, Newmarket. Pilkington to Goderich. Poverty makes him bring himself to notice. Is in hopes of a colonial appointment his name having been noted by Bathurst and His Lordship. States his services and his misfortunes. Had been waiting in vain for employment, till he was obliged to sell his half-pay to his utter ruin, and then come to Canada where the little money he had became exhausted and his weakened health prevents him from undergoing the severe labours that are necessary. 478

January 17, London. Murray to Hay. Asks him to hand letters to Goderich, as desired by the writers. 314

January 18, Castletown. Willis to Goderich. The state of his circumstances prevents him from being at the trial of the action against the destroyer of his domestic peace. Apparently the official proceedings which caused his absence from Canada are connected with this as the colonial secretary and others are to be called as witnesses. His distress at the prospect of a failure of his suit, which may result from his absence from the trial. 687

January 22, York. Peter Robinson to Hay. Sends half yearly returns of the sales of clergy reserves in Upper Canada for 1830. 524

Enclosed. Return of sales, giving the names of the purchasers and the localities where living from 1st January to 30th June, 1830. 526

Same from 1st July to 31st December, 1830. 532

January 28, Downing Street. Wood to Hay. Lord Grey desires his opinion on enclosed warrant. His Lordship understands that Robinson holds an office in Upper Canada almost similar to that proposed for Hurd. Two similar offices in New Brunswick have been united in the person of Baillie. 24

February 1, Audit Office. Auditors to Treasury. Enclosed in Stewart to Hay, 13th October, 1831.

February 4, London. The same to the same. Enclosed in Stewart to Hay, 11th March, 1831.

February 4, Lochiel. Memorial of Rev. John McLaurin for an allowance of £100 a year as minister of Lochiel in accordance with Bathurst's promise. 315

February 16, Treasury. Stewart to Hay. Transmits copy of letter from Clark relative to claims from sufferers in Upper Canada by the late war with the United States. 25

Enclosed. Clark to Stewart. Thanks for the interest he has taken in the question of the claims of sufferers by the late war. Doubts if the Treasury has been able to consider all the documents transmitted and gives an account of the legislation in Upper Canada to meet the claims. Asks him to reperuse the documents so that he may again present the claims to the Treasury. 26

ure of his  
lect com-  
Page 19  
him an  
cheme of  
ss thanks  
21  
the Can-  
22  
albot get  
23  
the High-  
for many  
or who  
n mental  
dissent-  
? If so  
286  
to notice,  
noted by  
fortunes,  
d to sell  
the little  
ents him  
478  
sired by  
314  
him from  
domestic  
absence  
d others  
failure of  
687  
sales of  
524  
sers and  
526  
532  
warrant.  
Canada  
in New  
24  
October,  
March,  
year as  
315  
ative to  
United  
25  
as taken  
ts if the  
tted and  
claims.  
sent the  
26

## SESSIONAL PAPER No. 8c

1831.  
February 22, Tarbert Kerry Petition of Adam Miller to have a letter sent to his son who had emigrated, he and his family being unable to pay the postage. Page 323  
February 23, York. Resolutions on the first report of the committee of Assembly on school lands. The first resolution was a recital that in 1797 His Majesty stated his intention to set apart waste lands of the Crown for the establishment and support of free grammar schools. 100  
An unsigned memorandum says that this was the only resolution passed it being alleged that the others did not go far enough nor state the principal grievance, the claims of all the district grammar schools being sacrificed to the Royal grammar school, now called Upper Canada College. The expense for buildings, &c. described. 102  
February 24, London. Galt to Hay. Transmits memorial from Capt. Kerr. The great respectability of his family. 290  
*Enclosed.* Memorial from Kerr that he may receive his grant of land in one of the older townships. 291  
March 1, Resolutions of a committee of petitioners. That George Ryerson be employed as agent on behalf of the petitioners to proceed to London with the petition. 560  
March 6, Treasury. Stewart to Hay. The Lords of the Treasury desire to know what duties will be required of Hurd, which are not attached to the office of Commissioner of Crown lands and if the appointment of Robinson to the latter office does not require fresh instructions to be given to Hurd. 30  
March 6, Sligo. Sheriff Powell to Goderich. Applies for an additional six months leave of absence, his ill health having prevented him from attending to his affairs. 481  
Mudge to Powell. The Lieut. governor has no power to grant more than six months leave of absence. He has no objection to his (Powell's) son acting as his father's deputy in his absence. 482  
March 10, London. Donald Cameron desires an interview with Goderich to submit papers to him. 113  
March 11, Treasury. Stewart to Hay. Encloses papers respecting the accounts of advances made to the paymasters of militia during the war with the United States to be laid before Goderich that he may send additional instructions to Colborne on the subject. 31  
*Enclosed.* Auditors to Treasury give in minute detail the statement respecting the accounts referred to. 32  
Colborne to Stewart. Sends copy of letter from the inspector general of civil accounts. 37  
Report by the Inspector General of the state of the militia accounts and the steps that have been taken to obtain statements. 38  
Stewart to Colborne. The accounts of the militia paymasters have been so long standing that it is desirable that they should be put in course of arrangement. 41  
March 12, London. Petition of Donald Cameron stating his having for ten years been in the habit of bringing emigrants to North America. Charges Chief Justice Robinson and his brother with driving away, by their arbitrary measures, the best class of settlers. Gives particulars of grievances. 120  
*Enclosed.* Petition from Thorah and Eldon. 124  
Various documents on the same subject. 126 to 136  
March 12, York. Proceedings of the Assembly of Upper Canada on the subject of the clergy reserves and charter of King's college. 594 to 601  
Other documents. 602 to 629  
March 23, London. Cameron to Goderich. Sends his papers but had desired an interview to seek redress not for himself individually but for the settlements under his superintendence. 114



63 VICTORIA, A. 1900

1831.  
March 25,  
Ordnance.

Kempt to Goderich. Desires to have an interview respecting the works about to be constructed at Kingston, of which he sent the plans some time ago.

Page 10

March 26,  
London.

Roxburgh to the same. States his services in raising men for the war of 1812, and otherwise, for which he should have received 3,000 acres, instead of which he has received only 800 acres, the same as half pay officers who did not expend a penny for the country or seen a shot fired in its defence. Asks for 800 acres more than he has already received.

512

Notes on the above application; that Roxburgh's name is not mentioned; that the merits of individual officers cannot be examined in granting lands; that the scale of grants was fixed by Sir Gordon Drummond and that it was extraordinary that this claim was not urged on Drummond when the scale was promulgated.

514

March 28,  
London.

Ferguson to Goderich. Transmits letter from Capt. Roxburgh who desires to settle in Upper Canada. Recommends his case for favourable consideration.

288

April 2,  
Treasury.

Ellice to Hay. Desires to know from what fund the salary is to be paid (to whom is not said) and whether it is to be in sterling or currency.

42

April 4,  
Treasury.

Stewart to Hay. As the duties to be performed by the Surveyor General of Upper Canada do not form part of those attached to the office of Commissioner of Crown Lands a warrant for Hurd's appointment has been directed to issue.

43

April 5,  
Treasury.

Treasury Minute. Enclosed in Stewart to Hay, 13th October, 1831.

April 5,  
Inverness.

Sutherland to ——. Has been informed by Murray that as pastor to his (Sutherland's) country men, he would be allowed the like sum as his congregation would guarantee to him. Would he be allowed a passage?

652

April 12,  
London.

Roxburgh to Hay. Is sorry that Goderich is not prepared to listen to his petition and cannot help feeling that through him injustice is being done to his children in so far as withholding remuneration for money expended for the service of government at a time when it would have brought more than three times the land (800 acres) that he was to receive in common with other half pay officers and in a more eligible situation than any he can now hope to receive. Had Baynes, Adjutant general, been alive his case could have been proved. In Canada he shall have no difficulty in proving the number of men he raised. If he cannot get the land promised him he will at least prove the justice of his claim. Thinks he has been hardly used and reiterates the ground of his claim.

515

Enclosed. Copy of letter of introduction from Nichol to Kempt in favour of Roxburgh.

518

Notes on the second application by Roxburgh the tone of which, they say, does not show good taste as other officers raised men as well as himself.

520

April 15,  
Whitehall.

Lack to Hay. Produce from the United States cannot be unloaded and landed to pass through the Welland Canal without payment of duty unless intended for a warehousing port. But as the duties on all the principal articles of American produce coming into Canada are removed, there is no necessity for making Port Dalhousie or the port at the southern entrance of the canal, warehousing ports for such transit.

4

April 15,  
London, U.C.

Memorial of the magistrates, grand and petit juries and yeomanry of London district for grant for school at London, the Minor College being no doubt of benefit to the Home district and town of York but not to the families of memorialists. Point out the cheapness of living in the country &c. as inducements for establishing district schools.

105



ing the  
e plans  
Page 10  
for the  
d 3,000  
as half  
a shot  
ready re-  
512  
ot men-  
tioned in  
Drum-  
ged on  
514  
gh who  
ourable  
288  
is to be  
ing or  
42  
rveyor  
e office  
ent has  
43  
, 1831.

stor to  
sum as  
owed a  
652  
listen  
stice is  
on for  
would  
was to  
ligible  
jutant  
e shall  
cannot  
claim.  
claim.  
515  
mpt in  
518  
, the-  
well as  
520  
loaded  
f duty  
all the  
oved,  
at the  
t. 4  
nry of  
being  
not to  
in the  
105

## SESSIONAL PAPER No. 8c

1831.  
April 18,  
India Board. Grant to Hay. Is the request of the accompanying attainable con-  
sidering the man's calling and object? Page 5
- April —,  
London, U.C. Trustees of the Presbyterian congregation in the townships of London  
and Westminster. They have applied for a minister of the established  
church of Scotland and ask for help to maintain their minister in a  
manner suitable to the dignity of his sacred office. 324
- May 10,  
Colonial Office. Memorandum on the case of Donald Cameron. 116
- May 13,  
London. Hume to Goderich. Has received a petition from Canada which George  
Ryerson has been deputed to support. Sent a copy of the petition and  
of Ryerson's authority. Is surprised that the British cabinet should  
keep a province in a state of irritation on matters which should have  
been long ago settled. His personal complaint against Murray that he  
had not done what he promised. 299
- May 14,  
London. Hume to Goderich. Will wait on His Lordship with Ryerson on the  
17th. 301
- May 21,  
York. Mudge to Dunn. 301
- May 23,  
York. Dunn to Stewart. Both enclosed in Stewart to Hay, 29th July,  
1831.
- May 23,  
York. Dunn to Stewart. Enclosed in Stewart to Hay, 3rd September, 1831.
- May 25,  
Trewblitt  
House. Smart to —. His brother-in law, Colonel Light, intends to settle in  
Upper Canada. Asks for letter of introduction so that he may obtain  
any local appointment which may become vacant. His services and  
wounds received in action. 653
- June 5,  
London. George Ryerson to Goderich. States the dislike felt by the people of  
Upper Canada for a church with peculiar privileges, even those con-  
ceding the right acknowledging its inexpediency. Gives at considerable  
length the grounds of complaint against the claims of the Church of  
England or the Episcopal Church as it is called in Upper Canada. 568
- June 6,  
London. Fyler to the same. Asks for a letter of recommendation to the  
Lieut. Governor of Upper Canada in favour of Colonel Light. 289
- June 13,  
London. George Ryerson to the same. Reiterates statements respecting the  
charter of King's College. 582
- June 15,  
Treasury. Enclosed. Extract from the journal of the Assembly of Upper Canada  
in respect to education. 591
- June 18,  
Stewartstown. Stewart to Hay. The Lords of the Treasury cannot admit the claims  
to the half pay of the officers of the Indian department who served  
during the late war, at the same time they are disposed to admit Capt.  
Wilson's claim to be deserving of special consideration but do not con-  
sider it would be expedient to grant him relief from the British revenue.  
What pension would Goderich recommend for him? When known  
their Lordships will consider the propriety of submitting a warrant for  
a pension out of the revenues of Canada. 44
- June 30,  
Treasury. Memorial of Mrs. Boyde for advice how she is to obtain possession of  
land granted to her late husband on Rice Lake. 93
- June 30,  
York. Stewart to Hay. The Lords of the Treasury refer to letter of 20th  
November, 1829 (see Q. 191-2, p. 229) which limited the expenditure to  
£20,000 and desire that it shall not exceed that amount. 46
- July 2,  
York. Dunn to Stewart. Enclosed in Stewart to Hay, 13th October, 1831.
- July 2,  
Thorah. Mackenzie to the Under Secretary for the colonies. Encloses petition  
from John Morrison and recommends his application to favourable con-  
sideration. 330
- John Morrison. Memorial on behalf of himself and of his brothers  
Daniel and John, for a grant of land. States the circumstances under  
which they emigrated to Canada and the promise made of a grant.

63 VICTORIA, A. 1900

1831. Recalls the death of his brother who died on the expedition to Africa, unmarried and entitled to a grant of 1,200 acres, which had never been given. Sends lists of documents which accompany the memorial. Page 326
- July 2, St. James's. Sir Herbert Taylor to Hay. Sends petition from John Gavin to be answered. 670
- July 2, York. Peter Robinson to Hay. Sends returns of sales of clergy reserves from 1st January to 30th June, 1831. 538
- January 11, York. Enclosed. Returns. 539
- July 12, London. Memorial of Bayly, retired surgeon of the East Kent Militia, for a grant of land in accordance with the promise made to the regiment previous to its going to Ireland. 95
- George Ryerson to Goderich. His interest in the Indian population. The success of missionaries among them. Has brought over Peter Jones, War Chief of the Mississaugas, who has been extensively useful as a Christian Missionary. He comes by desire of his brothers to speak to the King, to bring presents to the Queen and to obtain funds from the charitable to support Indian schools and to continue the work of improvement. Sends copies of papers received by Jones for information as to how to proceed, and asks leave to introduce Jones to his Lordship. 630
- Enclosed. Letter from Colborne introducing Jones. 633
- Letters from the chiefs of the Aizance tribe of Lake Huron "To our fathers and brothers across the great waters," giving their history and recommending Peter Jones. 634
- Authority from the Mississaugas for Peter Jones to represent them to their fathers and brothers across the great waters. 637
- July 14, Robert Taylor to Howick. The reasons which induce him to go to Canada. His inclination and studies lead him to the church, his practice as a classical and science tutor inclines him to a collegiate life. Hopes for a situation in the new college. Gives list of those who can give testimonials in his favour. If he should receive letters to Colborne or Aylmer he would at once put his design into execution. 671
- July 14, London. Crooks to Hay. Sends printed papers respecting communications in Canada, also papers by "Alpha" upon the relations between the two provinces. 148
- Summary of the proceedings in connection with the improvements of the St. Lawrence from Lake St. Louis to Lake St. Francis. 149
- Proceedings of a committee appointed at Brockville, 10th November, 1830, on the navigation of the St. Lawrence, with reports, &c. 152
- Report of the Select Committee on the improvement of the navigation of the St. Lawrence. 178
- Detailed report of the survey and examination of the St. Lawrence from Lake St. Louis to Lake St. Francis by Alex Stevenson and André Trudeau. 196
- On the political and commercial relations between the two provinces of Canada by "Alpha" (first letter). 230
- Continuation. 235
- Conclusion. 241
- The Courier on internal communication; York, 1st May, 1830, signed "Agricola." 249
- July 15, London. Crooks to Goderich. Repeats his application for half pay and answers the objections raised to his receiving it. 260
- July 16, Treasury. Stewart to Hay. The Lords of the Treasury approve of Colborne's suggestion that tobacco may be purchased in Canada for the use of the Indians and the amount saved be applied to forward the measure for civilising and improving the habits of the Indian tribes. 48

## SESSIONAL PAPER No. 8c

1831.

July 20,  
London.

George Ryerson to Goderich. Defends himself against the charge that jealousy is the actuating motive of the opposition to leaving King's College to the occupation of the Episcopal church and endowing another college for the accommodation of the other religious denominations.

Page 639

Colborne to Stewart. Enclosed in Stewart to Hay, 13th October, 1831.

July 20,  
York.July 20,  
London.

Peter Jones, Indian Chief and Missionary. Memorandum of the Christian Indian Women's Doreas Societies. Their employments. Presents sent to the King and Queen.

304

July 23,  
London.

Crooks to Hay. The distress on the part of those who in Upper Canada suffered loss during the war with the United States is his reason for again calling attention to their case. Does not desire to anticipate the effect of leaving so large a proportion of the inhabitants of Upper Canada without relief. He has been one of the greatest sufferers and expecting reimbursement, he incurred debts for improvements, the payment of which can no longer be put off. He suffers with hundreds of others and if the condition be enforced, of Upper Canada paying its share before a settlement is made he must return there to make arrangements for the shelter of his family. The payment of the £57,412.10s would enable the sufferers to meet their engagements or to make an arrangement with their creditors till the province has recovered from its financial embarrassments. How debentures could be met for the payment of the losses.

262

July 26,  
London.

Peter Jones, Indian Chief and Missionary, to Goderich. Account of the state of the Christian Indians in Upper Canada.

306

Account of the number of Indians under the religious instructions of the Methodists. A note says, "This account only includes those that are baptised and not those who in addition frequently attend the instructions of the missionaries."

312

July 29,  
Treasury.

Stewart to Hay. Transmits letter and enclosure from the Receiver General of Upper Canada respecting the amount expended for the repair of Government House for the opinion of Goderich.

49

Enclosed. Dunn to Stewart. The circumstances under which repairs were made to government house. It is suggested that the expenditure might be transferred to 14 George 3 previous to the revenue collected under that Act being surrendered to the control of the Legislature.

50

Mudge to Dunn. The cost of repairing government house might be transferred to the 14 George 3 before the revenue is finally placed at the disposal of the legislature, the Treasury to be consulted on the subject. How the repairs were formerly paid for.

52

July 29,  
Port Talbot.

Talbot to Goderich. Sends copy of letter to Colborne in answer to a charge that his settlers had not taken out patents. How he accepted the duties of superintending the settlement and the hardships he had to encounter for some years. The bad effect of the system of fees. When he settled, the part he solicited, now the Talbot settlement, was so remote that there were no applicants, now there are few country parts in Europe that present a more animated appearance. He has not been allowed the assistance of a clerk and the support he afforded to destitute emigrants diminished his own private resources. Hopes that his statements will relieve him from censure.

674

Enclosed. Talbot to Colborne. He does not issue patents for lands, he gives the settlers certificates that they are entitled to deeds but he cannot force them to go to York to complete them. He will, however, issue a circular to the settlers to take out their patents. The difficulty of obtaining the fee in money, trade being done by barter, although a great improvement has taken place. But emigrants from Europe do not possess money for fees as they spend their money on their passages

1831.

63 VICTORIA, A. 1900

- and on inland transport; if any is left over it is required for provisions. It cannot be expected that young settlers can have any surplus to dispose of in less than five or six years. The most pernicious results would follow issuing patents until the settlement duties are faithfully performed and the locatee an actual settler. Would not recommend that any settler, even if he had money to pay the fees, should receive a patent until he had been five years on the land. He was the first to exact settlement duties and his conduct was considered tyrannical; now the settlers are most grateful. If a search be made grants will be found and patents executed between 30 and 40 years ago on which fees have not been paid, the number of deeds not taken out far exceeding what Richards reports his (Talbot's) to be. Page 680
- Bathurst to President Smith. That no restrictions should be imposed on the class of settlers selected by Talbot, other than those in the several Acts of Parliament. 685
- Galt to Hay. Is informed that were the Colonial Secretary to authorise the Lieut. Governor of Upper Canada to draw on the Treasury as soon as he shall have received the discharge of the claimants, the business relating to the losses might be satisfactorily settled. The balances in the hands of the Special Receiver amount to about £3,000. 293
- Lord Howe to Hay. Asks the name of the writer of a letter from the Colonial Office. 302
- Stewart to Hay. The Lords of the Treasury believe that £30,000 value of copper coinage recommended by Colborne is not required for Upper Canada and have ordered £5,000 worth to be sent. A report to be made of how much, if any, more was required. 54
- State of the Province. Proceedings of 18 township meetings in the Home district between July 16 and August 6, both days inclusive. 416
- Mackenzie to Goderich. Sends copy of the proceedings of the meetings held in the town and township of York. Also attestation from the officers of seventeen other township meetings; proceedings of other town meetings. Copies of the above have been sent to the Lieut. Governor. Originals are in course of signature. 343
- Enclosed. Copy of the proceedings at York including the petition. 346
- Reports of other town meetings. 361
- Mackenzie to the Under Secretary for the Colonies. Sends memorial from John McRae, an aged and infirm man from Thorah. 333
- Enclosed. Petition of John McRae for a grant of land, he having previously applied, when the application was refused by the government which stated that it was unable to make the grant. 334
- Copy of the first petition. 335
- Mudge to McRae. By his instructions, the Lieut. Governor can only make grants to officers of the regular army, but if he is desirous of settling the Commissioner of Crown Lands will give him every assistance in his power. 338
- Minute of Executive Council, that as the petitioner does not come within the description of persons entitled to land his prayer cannot be recommended. 339
- McRae to Sir James McIntosh. Reminds him of their student days and asks for his intervention to obtain the land he has asked for. 340
- McMahon to Mackenzie. Has received communication with petitions which have been laid before the Lieut. Governor. 414
- The same to the same. The Lieut. Governor acknowledges receipt of communication and dispatches. 415
- Mackenzie to Goderich. Reports that a resolution was passed thanking government for the measure of parliamentary reform and for passing the Marriage Act. 341
- August 2, London. 685
- August 2, London. 293
- August 3, Treasury. 302
- August 6, York. 54
- August 10, York. 416
- August 13, York. 333
- August 16, York. 334
- August 16, York. 335
- August 19, York. 338
- August 19, York. 339
- August 19, York. 340
- August 19, York. 414
- August 19, York. 415
- August 19, York. 341

provisions,  
plus to dis-  
ous results  
e faithfully  
omend that  
ceive a pat-  
t to exact  
; now the  
d be found  
n fees have  
eding what  
Page 680  
e imposed  
he several  
685  
to autho-  
reasury as  
the busi-  
e balances  
293  
r from the  
302  
t £30,000  
quired for  
report to  
54  
gs in the  
ive, 416  
the meet-  
from the  
of other  
out, Gov-  
343  
tition.  
346  
361  
memorial  
333  
ring pre-  
ernment  
334  
335  
can only  
desirous  
n every  
338  
ot come  
cannot be  
339  
ent days  
340  
petitions  
414  
receipt of  
415  
t thank-  
passing  
341

## SESSIONAL PAPER No. 8c

1831.  
August 10,  
Treasury. Stewart to Hay. The Lords of the Treasury concur in Goderich's recommendation, that Wilson be given a pension of £100 to be paid from the funds at his Majesty's disposal in Upper Canada. Page 55
- August 20,  
York. Mackenzie to Goderich. Various townships (enumerated) have held meetings and concurred in the resolution communicated in the letter of yesterday. 342
- August 22,  
London. Nimmo to —. Asks for information about the Welland Canal. 475
- August 29,  
York. McMahon to Mackenzie. The Lieut. Governor has received the petitions forwarded on the 17th and 18th instant. 430  
Other proceedings, petitions &c. 431 to 449  
See also 451 to 474
- August 31,  
London. Crooks to Hay. Asks that the letters and documents be laid before Goderich. How the War Office could place his name on the half pay list. 266  
*Enclosed.* General order by Harvey notifying that the left wing under Crooks would be attached to the 49th Regiment. 267  
General order for the arrangement of troops for the attack on Fort George. 268
- August 31,  
London. Lukin to Crooks. The list of officers entitled to half pay was received from the Colonial Office. As his name was not included, the Secretary at War can give no authority for half pay to him. 269  
Galt to Hay. He cannot object to the adherence to the agreement made with Bathurst although the losers have always considered the conditions hard. Asks for an interview for Crooks and himself. 295  
The same to the same. States his understanding of the agreement for the payment of losses and explains how the misunderstanding of Bathurst's dispatch took place. 296
- September 1,  
London. Crooks to the same. Explains how he acted as captain subsequent to his being appointed major in the incorporated militia. 270  
*Enclosed.* Commission of Colonel to James Crooks. 273
- September 3,  
Treasury. Stewart to Hay. No answer having been returned to the letter written to Maitland in pursuance of Treasury minute respecting Dunn's claim for remuneration for extra services, Goderich is requested to obtain information on the subject and acquaint the Treasury with his opinion. 53  
*Enclosed.* Dunn to Stewart. The balance in his hands applicable to the relief of the sufferers during the late war is £737.4.9 currency. Calls attention to his claim for remuneration for extra services in paying the claimants for losses during the late war. 57  
Treasury minute respecting the claim of Dunn. 59  
Maitland to Harrison. Transmits application from Dunn for extra remuneration. The duty performed was attended by considerable labour and responsibility. 61  
Dunn to the Lieut. Governor. Applies for extra remuneration and states the nature of the duty for which it is asked. 62
- September 7,  
London. Crooks to Hay. Contests the correctness of Goderich's interpretation of Bathurst's dispatch respecting the payment of losses by the war. Prays that His Lordship may have regard to the principle of the arrangement and enable him to carry instructions to Colborne to authorize him to make arrangements for the whole sum due from the province. The distressed state of the sufferers. 274
- September 7,  
London. Crooks to Hay. Had written on Wednesday explanatory of Maitland's remarks on second memorial for half pay, which he hopes has been laid before Goderich. Offers to carry dispatches. 278
- September 15,  
Admiralty. Elliot to Hay. Should Lieut. Cheeseman Moe, R. N., be entitled to receive his half pay while holding temporary employment in Upper Canada? 1



63 VICTORIA, A. 1900

1831.  
September 16, Mackenzie to Goderich. The thanks of various township meetings  
York. voted to the ministry for bringing forward the measure of parliamentary  
reform and to the passing of the Marriage Act. A similar vote was  
passed at Hamilton, but nearly one third of the meeting dissented.  
Page 426
- September 16, The same to the same. Encloses reports of public meetings at various  
York. townships (enumerated) of which copies have been delivered to the  
Lieut. Governor. 428
- September 21, Burgess to Colonial Secretary. Applies for payment of arrears due  
Liverpool. to him as he had come to Liverpool at considerable expense after having  
suffered privations in the wilderness of Canada for five years and was  
obliged to sell various articles in consequence of the works, and the  
treatment he received for having acted as an honest man. Accuses By  
of misrepresenting him because he would take no part in leading the  
government astray. 97
- September 26, Orton to Goderich. Thanks for courteous reply. Had it been in His  
Woolwich. Lordship's power, he feels assured that what he wished would have been  
granted. The Lieut. Governor has given an acknowledgement of his  
services. A similar testimonial might be given by His Lordship. The  
course of conduct he intends to pursue. 476
- September 26, FitzRoy Somerset to Hay. Has received letter desiring to be informed  
Horse Guards. if Bayly, a retired surgeon of the East Kent militia, is to be considered as  
an officer of the line and entitled to the advantages thereof. Lord Hill  
does not think that Bayly can profit by arrangements made for the  
benefit of officers of another branch, but as it is desirable to have settlers  
of such apparent respectability suggests that he be given a grant of land  
inferior to that of an officer in the line. 2
- September 27, Cowper to Hay. Kempt has received letter. Memorandum on the  
Ordnance. case of Burgess enclosed. 11
- September 27, Enclosed. Memorandum on the case of Burgess who accuses By of  
irregularities in conducting the works of the Rideau Canal. 12
- September 27, State of the case between Monk and Powell read to the Court of  
Appeal. 495
- September 27, George Ryerson to Goderich. The courage necessary to advocate  
London. changes in the government of Upper Canada; whoever does so is ex-  
posed to newspaper attacks. Sends paper as a specimen of the style of  
these attacks. 646
- October 4, Ely to Goderich. Transmits memorial from Lieut. Duffield; the pro-  
priety of his conduct and his excellent character. 285
- October 4, Sheriff Powell to Goderich. Applies for another extension of his  
Sligo. leave till the opening of the St. Lawrence navigation owing to his deli-  
cate health, which had prevented him from making arrangements about  
personal affairs. The expense of living from home will convince His  
Lordship that nothing but necessity would induce him to ask for an ex-  
tension. 483
- October 13, Stewart to Hay. The Lords of the Treasury refer to their letter of  
Treasury. 31st August, 1827, which contained no authority to charge for collect-  
ing the payments to be made by the Canada Company. Cannot allow  
the £200 per annum charged on this account. The official income of  
Dunne is £700 which with £200 additional on the civil establishment  
makes £900, per annum. If Goderich thinks it inadequate, the Lords  
of the Treasury are ready to consider any suggestions he may make. 66
- Enclosed. Colborne to Stewart. The inadequacy of the salary of  
Dunn owing to reductions. 68

Q.  
SESOctob  
OrdnOctob  
LondNovem  
NewNovem  
HallowNovem  
York.Decem  
York.Decem  
York.



wnship meetings  
of parliamentary  
similar vote was  
meeting dissented.

Page 426  
etings at various  
delivered to the  
428

t of arrears due  
nse after having  
e years and was  
e works, and the  
an. Accuses By  
t in leading the

97  
l it been in His  
would have been  
edgement of his  
Lordship. The

476  
g to be informed  
be considered as  
roof. Lord Hill  
ts made for the  
to have settlers  
n a grant of land

2  
randum on the  
11  
o accuses By of  
al. 12  
to the Court of  
495

ry to advocate  
does so is ex-  
n of the style of  
646

ntaining report  
Clergy reserves  
649

field; the pro-  
285  
xtension of his  
wing to his deli-  
ngements about  
ll convince His  
o ask for an ex-  
483

their letter of  
rge for collect-  
Cannot allow  
ficial income of  
establishment  
ate, the Lords  
e may make.

66  
the salary of  
68

## SESSIONAL PAPER No. 8c

1831.

Dunn to Stewart. The audit office has been instructed to disallow the £200 a year for collecting the Canada Company's instalments. In 1827 he was allowed to charge for agency the same allowance as was charged by W. D. Adams. The reductions in his income and his losses by forgery, &c. The increase of the security he has been obliged to furnish. Page 69

Auditors to Treasury. Remarks on the claim by Dunn for the payment of £200 per annum for collecting the instalments of the Canada Company. They find no authority for this payment. 72

Treasury minute on Dunn's claim. 75

October 17,  
Ordnance.

Butler to Hay. Reports that the magistrates of Kingston are laying out roads on the Crown reserves intended for defensive works. No exemption is prescribed in the statute. Asks that an alteration be made in the law so as to protect such property. 14

October 23,  
London.

Harly to Bigg. Reports that Innes, underwriter on his goods by "Strath Isla" has suspended payment. 108

November 5,  
New York.

Anonymous to Howick. States that the writer is the author of a letter on the opposition to His Majesty's government in Upper Canada which it is important for His Lordship to read. 78

Enclosed. Letter signed "A Freeholder of the County of York." To the farmers residing in the County of York who have ranged themselves in support of Mackenzie in his course of abuse of government; defence of Colborne, the Lieut. Governor in opposition to Mackenzie. 79

November 16,  
Hallowell.

Richards to Colonial Secretary. Thanks for having laid his petition before the King. 521

Enclosed. Copy of petition. 522

November 28,  
York.

Chief Justice Powell. Memorial complaining of the conduct of the Legislative Council and asking an inquiry into the whole case. 484

Enclosed. Report of a committee of the Legislative Council appointed to look for precedents in a case of privilege. The committee found that the Legislative Council enjoyed and exercised powers and privileges of a most extensive nature. 487

Powell, Speaker, dissented from the adoption of the report. 494

List of dissents entered by Chief Justice Powell as speaker of the Legislative Council in 1822 and 1823. 502

December 14,  
York.

Cameron to Goderich. Encloses letter dated 17th November, 1830, which did not reach him for a year after it was written having been sent to Thorah. There is an order in council, dated 26th November, 1836, at direct variance with His Excellency's letter. This order he only received yesterday. Shall soon send papers &c. to show that the course of the Council towards him is not just. 145

Enclosed. Mudge to Cameron. The petitions respecting the township of Thorah have been laid before the Executive Council. The settlers have been assured that it is not intended to disturb any who have made improvements, but the inquiries are to enable Colborne to authorize the Commissioner of Crown lands to place settlers on all the vacant lots. 147

December 19,  
York.

Strachan to Goderich. Sends memorandum respecting King's College. Changes have been proposed but no direct communication has been made by His Majesty's Government to the President and College Council. The responsibility of those who prevent the college from going into operation. Is ready to propose modifications in charter. 656

Enclosed. Memorandum on the University of King's College gives a chronological account of its establishment and progress; answer to the objections of the Asser to its constitution. Complaints of the delay in beginning operations or the college, which deprives many young men of education. Comparison with the provision made in New York. Statutes of colleges, &c., in Upper Canada. 659

63 VICTORIA, A. 1900

1831.  
December 19, Ramsay. Memorial of James Doherty. Had lost his eyesight and his property was burned whilst he was in the hospital, his deed of land being then destroyed. Prays for relief. Page 279  
*Enclosed.* Certificates in favour of Doherty. 281  
McMahon to Doherty. The Lieut. Governor has no fund from which to give him relief, as to the loss of the deed, an official copy may be obtained on payment of the fees. 283
- December 21, London. Harly to Bigg. Sends extract from letter from Capt. Bonyman of the "Strath Isla," which had been obliged to put back into Plymouth. 109  
*Enclosed.* Bonyman to Hamilton & Lamber (extract). Report of the damage to the "Strath Isla" put back into Plymouth. 110  
Grant to Hay. Submits petition for consideration. 6
- December 23 India Board. Hamilton & Lamber to Mayer. Asks the value of goods shipped by him in the "Strath Isla" to settle the amount of the general average on the property which is to contribute according to value. 303
- December 29, London. J. Brown, loyalist and member of the House of Assembly. Unless Colborne is reproved and made to change his policy, Upper Canada will be rendered more discontented than Lower Canada, but in the latter it is a French faction, in the former it will be the old loyal inhabitants. 99
- No date. Rev. J. W. Campion to Goderich. Reports the efforts he has been making to obtain emigrants for Canada. The privations to which he has been exposed. The loss of a large part of his income which from the badness of the times is reduced to a few pounds. His substitute in the mission has the £20 which the bishop has to bestow on the priests, and as the total amount is limited the greater the number of priests the smaller is the sum to each, too little to defray the expenses of a missionary in Upper Canada. Asks that his expenses be taken into consideration and if the Bishop will allow him to remain, he can do much for emigration. 137  
The same to the same. His object being to raise funds to build churches in the Niagara district which the poverty in Ireland renders impossible, asks for help. 139  
*Enclosed.* Circular respecting the building of churches in the Niagara district, with authority and list of subscribers. 141  
List of letters from Galt and in what series they are entered. 298  
Evans to Hay. Desires to know when Richard Manley died, what property he left and to whom he should apply for information. Does not know whether he died intestate or not. 284  
Inquiry by N. V. Lee respecting Richard Manley who settled in Upper Canada and was reported to have died intestate. 313  
Petition by inhabitants of Upper Canada against a church establishment, praying that the ministers of all denominations of Christians be left for support to the people among whom they labour; that all political distinctions on account of religious faith be done away with, that all ministers of religion be removed from places of political power, that the clergy of all denominations of Christians be granted the enjoyment of equal rights and privileges, particularly the right to solemnise matrimony; that the charter of King's College be modified, so as to exclude all sectarian tests and preferences and that the proceeds of the sales of Clergy reserves be appropriated for education and internal improvements. 546

## A. 1900

property  
 ing then  
 Page 279  
 281  
 m which  
 y may be  
 283  
 an of the  
 uth. 109  
 eport of  
 110  
 6

ipped by  
 average  
 303

Unless  
 nada will  
 after it is  
 nts. 99  
 has been  
 which he  
 ich from  
 stitute in  
 e priests,  
 riests the  
 missioner  
 deration  
 r emigra-  
 137  
 to build  
 renders  
 139

Niagara  
 141  
 298

ed, what  
 n. Does  
 284

ettled in  
 313

establish-  
 tians be  
 that all  
 ay with,  
 al power,  
 e enjoy-  
 olemnise  
 as to ex-  
 s of the  
 rnal im-  
 546